



# A Taste of Jewish Law & The Laws of Blessings on Food

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A ‘‘TASTE’’ OF JEWISH LAW --  
THE LAWS OF BLESSINGS ON FOOD

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Abstract

This paper is an in-depth treatment of the Jewish laws pertaining to blessings recited both before and after eating food. The rationale for the laws is discussed, and all the major topics relating to these blessings are covered. The issues addressed include the categorization of foods for the purpose of determining the proper blessing, the proper sequence of blessing recital, how long a blessing remains effective, and how to rectify mistakes in the observance of these laws.

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### I. Blessings -- Converting the Mundane into the Spiritual

A challenge that every religion faces is shifting the focus of its adherents from worldly matters to spiritual pursuits. As human beings, we must eat, sleep, sustain ourselves by earning a living, procreate, and provide for offspring. To a large degree, the focus must be on these matters in order to live. Religions, however, claim that there is more to life than these mundane activities; there is a spiritual component to our existence. The challenge, then, becomes how to successfully incorporate this spiritual aspect into our day-to-day lives.

Some religions teach that the only way for one to move forward spiritually is to dissociate oneself from physical pleasure; pleasure and spirituality are mutually exclusive. Judaism rejects this approach -- Jews are obligated to marry and parent offspring; they are required to partake in festive meals with wine and meat on holidays. Within guidelines, Judaism even encourages experiencing the pleasures and beauty the world offers. Instead of suppressing the mundane to further the spiritual, Judaism strives to infuse mundane activities with spiritual components. In this way, one's day-to-day activities themselves lead to spiritual accomplishments.

This theme is found throughout much of Jewish Law and custom. For example, after one relieves himself, he is supposed to recite a blessing which thanks G-d for the fact that his body is functioning properly. Even in this most physical and debasing act, Judaism finds an entry for spirituality.

The most salient expression of this theme, however, are the laws relating to blessings over food. On a basic level, we must all eat a certain amount of food in order to sustain ourselves. While this objective can be accomplished with a relatively small amount of fairly bland items,

we also eat because it is enjoyable. This leads us to consume greater quantities of better tasting food. Judaism did not miss the opportunity to infuse an activity as central to our daily existence as eating with a spiritual component. This infusion is mediated by the laws of blessings.

The basic idea is simple: to express gratitude to the Creator of the food and to express gratitude for our continued sustenance. The laws, however, are extraordinarily complex. As will become evident from this exposition of the laws of blessings, it practically takes a scholar to eat a meal. In order to know how to properly conduct himself, a Jew must be well versed in the laws. Through these laws, Judaism achieves its goal of maintaining the Jew's focus on religious and spiritual matters.

On the simplest level, this objective is attained by having the Jew reflect on his continued dependence on G-d every time he eats something. This goal of furthering religious and spiritual advancement is also mediated by the complexity of the law. First, the intricacy of the law encourages diligent study in order to achieve a certain level of scholarship. Second, the law's complexity keeps the ritual from becoming meaningless. For example, if Jewish Law prescribed a single blessing to recite before all food, in all circumstances, before long it would be recited by rote and lose its significance. By having multiple blessings and forcing the individual to select the proper blessing based on what he is about to eat, the Law forces the individual to focus on what he is reciting.

Jewish Law provides for two different types of blessings: "before blessings," blessings recited prior to consuming food, and "after blessings," blessings recited after eating food. Within the first category, there are six different blessings, each of which is appropriately

recited before consuming a certain category of foods. Within the second category, there are three blessings. Here too, each of these corresponds to a specific category of foods. The difference between the number of ‘‘before blessings’’ and the number of ‘‘after blessings’’ results from differences in how foods are categorized for each of these obligations.

Jewish Law is divided into two categories: biblical and rabbinic. The supreme source of law is the Bible, which for Jewish legal purposes is composed of both a written portion (the Five Books of Moses) and an oral portion given to Moses at Sinai. In later centuries, Rabbis enacted laws, for the most part to safeguard the observance of Biblical law. This distinction is relevant throughout Jewish Law largely because of stringencies which apply to Biblical, but not Rabbinic, laws. For example, if one is unsure whether he successfully complied with a Biblical command, he must redo the action. Where Rabbinic law is concerned, cases of doubt such as this may be resolved leniently; the individual need not redo anything. This basic divide is an important one with regard to the laws of blessings. While all ‘‘before blessings’’ are Rabbinic in origin, a subset of the ‘‘after blessings’’ have the status of Biblical Law.<sup>1</sup>

This paper is an effort to present a detailed treatment of the major topics pertaining to the recital of both ‘‘before blessings’’ and ‘‘after blessings.’’ It is hoped that the reader will not only acquire a familiarity with this particular area of Jewish Law, but that the reader will also gain an appreciation of the intricacy of Jewish Law in general.

Finally, as the reader familiarizes himself with the intricacies of each topic covered herein,

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<sup>1</sup>This issue will be explored in greater detail in Section IX(B).

he should try to keep the objective of this body of law at the forefront of his consciousness. Adherence to these laws converts eating from a purely mundane activity into an avenue for spiritual growth.

## II.

### A. Introduction

All blessings on food start in the following way: ‘‘Blessed are You, Hashem (name of G-d), our G-d, King of the universe...’’ The conclusion of the blessing is selected from six possibilities depending on the type of food one is about to eat. The six endings are as follows:

1)

‘‘... Who brings forth bread from the earth.’’

In Hebrew, ‘‘hamotzi lechem min ha’aretz.’’

2)

“... Who creates species of nourishment.”

In Hebrew, “borei minei mezonos.”

3)

“... Who creates the fruit of the vine.”

In Hebrew, “borei pri ha’gafen.”

4)

“... Who creates the fruit of the tree.”

In Hebrew, “borei pri ha’etz.”

5)

“... Who creates the fruit of the ground.”

In Hebrew, “borei pri ha’adama.”

6)

“... through Whose word everything came to be.”

In Hebrew, “shehakol nhyeh bidvaro.”<sup>2</sup>

The first portion of this paper will be devoted to an in-depth treatment of these categories. We will study how to determine the proper blessing on any given item. For the most part, this area is straightforward. One who is about to partake of a certain food determines whether the item belongs in one of the first five categories listed above. If it does, the appropriate blessing for that category of foods is recited. If it does not fall in any of those categories, the catch all “...through Whose word everything came to be” blessing should be said. The difficulty in this area of the law stems from classification problems. Sometimes, it is hard to determine the category in which a particular food falls. These categorization issues are most pronounced between categories 1 and 2 and categories 4 and 5. We will look at these in greater detail.

## B. Bread vs. Other Grain Products

### 1. Introduction

The boundary between foods which require the “... Who brings forth bread from the earth” blessing and foods which require the “... Who creates species of nourishment” blessing is an important one. Not only do these foods differ in the blessing that precedes them, but they also differ in the blessing which comes after them. While those foods which fit into the “... Who brings forth bread from the earth” category are followed by the rather lengthy Bentsching, foods preceded by “... Who creates species of nourishment” are followed by a considerably shorter blessing known as Maayn Shalosh.<sup>3</sup> At first glance, one might say that category 1 consists of bread while category 2 is reserved for all other prepared grain products. In truth, the

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<sup>3</sup>These “after blessings” will be considered in much greater detail in Section IX.



issue is considerably more complex.

## 2. Definition of Bread -- 3 requirements

The Rabbis instituted a blessing explicitly for bread. Bread was accorded this honor due to its unique ability to satiate.<sup>4</sup> The first task is to identify the characteristics needed to deem a given food ‘bread’ and thus to require the recital of this specific blessing.

First, the food must be made from dough of one of five specific types of grain. These grains are wheat, barley, oats, rye, and spelt.<sup>5</sup> Second, the item has to have been baked in an oven.

If the food was prepared by cooking the dough in a liquid, it does not have the status of bread.<sup>6</sup>

Finally, it must be something people would normally consume as the main part of a meal.<sup>7</sup>

### a. Items Which Fail to Fulfill the Third Requirement

Products which fulfill the first two conditions but not the third do not qualify as ‘bread’ and are thus preceded by the ‘...Who creates species of nourishment’ blessing.<sup>8</sup> The early commentators on the Talmud identified three categories of grain products which are baked and come from the five species but would not be eaten as the main part of a meal.

The first category is defined as baked goods which have pockets filled with sweet things such as honey, almonds, or spices.<sup>9</sup> More contemporarily, the items in this category are pies of different types. Items such as apple pies and jelly doughnuts do not qualify as ‘bread’ since they would not be eaten as the main component of a meal.

In order for a baked good to leave the class of breads by virtue of the items with which it

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<sup>4</sup>Graz, 167:1 relying on the passage in Psalms, 104:15: ‘bread that sustains the heart of man.’

<sup>5</sup>Talmud Tractate Pesachim, 35a with commentary of Rashi; Talmud Tractate Menachos, 70b with commentaries of Rashi and Rabbeinu Gershom

<sup>6</sup>Talmud Tractate Brachos, 37a teaches that bread which was originally baked can lose its status as bread if subsequently cooked. Dough that was never baked in the first instance is certainly not ‘bread.’

<sup>7</sup>Beis Yosef to Tur, Orach Chaim, 168

<sup>8</sup>Levush, 168:6

<sup>9</sup>Rabbeinu Chananel, Aruch, and Rashba cited in Beis Yosef to Tur, Orach Chaim, 168

is filled, two things should have to be true about the filling. First, the filling should have to be a non-meal food (e.g. sweet apples or chocolate). If the pocket in the baked dough is filled with things such as meat or fish, there is no reason to think that this product does not fulfill the third condition identified above. A meat pie certainly could constitute the main part of a meal. While many authorities accept this distinction and therefore require the bread blessing for baked goods filled with meal foods<sup>10</sup>, some feel that no such distinction should be made.<sup>11</sup>

Also, even if the filling is a non-meal food, small quantities of filling may not prevent the ‘bread’ from serving as the mainstay of a meal. Thus, classification as ‘bread’ is only avoided if there is a significant amount of filling such that the taste of the ‘bread’ is altered.<sup>12</sup>

Early authorities define a second category of items which though baked and derived from the five species, would not be eaten as the main part of a meal. This category consists of two subcategories. First, dough kneaded with liquids other than water, such as honey, oil, fruit juices or eggs does not yield ‘bread.’ Second, dough to which large quantities of spices are added is not deemed bread.<sup>13</sup> Thus, the proper blessing on these items would be ‘... Who creates species of nourishment.’

With regard to the second subcategory, the definition of ‘large quantity’ is an amount which substantially alters the taste of the ‘bread.’ In order to have its’ blessing altered, this ‘bread’ must no longer be fit to serve as the main part of a meal due to the amount of spice added.<sup>14</sup>

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<sup>10</sup>Magen Avraham, 168:17

<sup>11</sup>Taz, 168:20

<sup>12</sup>Mishna Brura, 168:33 relying on the opinion of the Bach

<sup>13</sup>Maimonides in the third chapter of his laws of blessings

<sup>14</sup>Rama to Shulchan Aruch, Orach Chaim, 168:7

The precise definition of the first subcategory is a topic of dispute amongst later authorities. Some are of the opinion that just like the law with regard to fillings and spices, baked goods that were kneaded with liquids other than water only lose their status as ‘‘bread’’ if their taste has changed to the extent one would no longer use them as the mainstay of a meal.<sup>15</sup> Others hold that this criterion need only be fulfilled when small amounts of honey or juice are used together with water in the kneading process. According to these authorities, if one uses a majority of non-water to knead the dough, the finished product loses its status as ‘‘bread’’ regardless of the amount the taste has changed.<sup>16</sup> All agree that if one uses only non-water liquids for the kneading, the blessing becomes ‘‘... Who creates species of nourishment’’ even if the taste has not changed at all.<sup>17</sup>

The third category of non-‘‘bread’’ items consists of baked goods with a very tough consistency (i.e. crackers).<sup>18</sup> Although the taste of these products does not prevent them from serving as the main part of a meal (i.e. they need not have been sweetened in any significant way), their texture is such that they would not normally serve in that capacity. Based on this definition, one might think that toast is not considered ‘‘bread.’’ However, this category only includes items which had this tough texture from the time they were originally baked. Regular bread does not lose its status by being toasted.<sup>19</sup>

i. When Can These Items Achieve Bread Status?

The reason the products in these three categories are not considered ‘‘bread’’ is that one does not use them as the basis of a meal. However, if one does consume any of these items

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<sup>15</sup>Id.

<sup>16</sup>Daas Torah to Orach Chaim, 168:7 proving this to be the case from the language of the Beis Yosef on the Tur, Orach Chaim, 168

<sup>17</sup>Magen Avraham, 168:16

<sup>18</sup>Rav Hai Gaon cited in the Beis Yosef to Tur, Orach Chaim, 168

<sup>19</sup>Kaf HaChaim, 168:66

in a meal-like manner, their status with regard to that eating session changes to “bread” and therefore the appropriate blessing in that instance would be “... Who brings forth bread from the earth.”<sup>20</sup>

What constitutes a “meal-like manner” is a subject of dispute. Some define it quite subjectively. Thus, if the individual is consuming cake or crackers as his dinner, they are treated as bread. If he is eating them as a snack, they are not treated as bread. According to this approach, there is no inherent significance to any quantity consumed. All that matters is the intent of the person who is eating.<sup>21</sup>

The prevalent view, however, takes the opposite approach. Subjective intent of the individual is irrelevant. If the person eats a certain quantity of these items, they are treated like bread. If he consumes less than this amount, the appropriate blessing remains “... Who creates species of nourishment.”<sup>22</sup>

There is a difference of opinion about the quantity which must be consumed to give these items the status of bread. The smallest estimate is a volume of four eggs. One who eats more than this amount should recite “...Who brings forth bread from the earth.”<sup>23</sup> The largest estimate is a volume of twenty-one eggs. According to this opinion, as long as one eats less than this rather large amount, “... Who creates species of nourishment” remains the proper blessing.<sup>24</sup> Common practice is not in accord with either of these views. Instead, the quantity is defined by the amount of bread one would normally eat at a meal if no other food were available. If one eats this volume of cake or crackers, “...Who brings forth bread from the earth” is the

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<sup>20</sup>Shulchan Aruch, Orach Chaim, 168:6

<sup>21</sup>Rabbeinu Asher in his commentary on the sixth chapter of the Talmud Tractate Brachos, paragraph 30 brings this opinion in the name of the Raavad

<sup>22</sup>Rabbeinu Asher in the same location brings this opinion in the name of Rebbi Moshe. Rabbeinu Asher agrees with this opinion, and this opinion is brought in Shulchan Aruch, Orach Chaim, 168:6.

<sup>23</sup>Kaf HaChayim, 168:45 brings this opinion and cites many authorities who agree with it.

<sup>24</sup>Graz, 168:8

proper blessing.<sup>25</sup>

There are three important qualifications of this rule. First, the amount of bread that would be eaten at a meal if no other food were available is determined country by country. In a country where meals are relatively large, the volume would be larger than in other places.<sup>26</sup> Second, even within a particular country, the volume varies based on the age and gender of the eater. More specifically, if the person is young or elderly, the quantity will be less than it would be for a middle-aged man. The law looks at how much bread a person in the eater's age group would eat at a meal if no other food were available.<sup>27</sup> Also, the law takes the gender of the eater into account. If females generally eat less than males, the requisite volume for a female eater would be less than that for a male eater.<sup>28</sup> Finally, if one eats an item from one of these three non-bread categories together with other food, the volume necessary to effect the change to "bread" status decreases. Until now, we have discussed "the amount of bread one would eat at a meal if no other food were available." This is the correct measure when the non-bread item is being eaten alone. If, however, the person is eating crackers with tuna fish or egg salad, the volume of crackers needed to achieve "bread" status is equal to the amount of bread one would normally eat at a meal consisting of bread and tuna fish. This will be less than the amount of bread one would eat if his meal consisted of bread alone.<sup>29</sup>

## ii. Complications

If a person plans on eating a volume capable of achieving "bread" status and does eat that

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<sup>25</sup>Mishna Brura, 168:24 who proves this to be the opinion of the Magen Avraham and the Shaagas Aryeh, Chayei Adam, 54:4, Nishman Adam, 54:1

<sup>26</sup>Igros Moshe, 3:32

<sup>27</sup>Biur Halacha to Orach Chaim, 168:6 "Af al pi"

<sup>28</sup>Ruling of Rabbi Shlomo Zalman Auerbach, zt"l, extending on the ruling of the Biur Halacha in FN 27

<sup>29</sup>Magen Avraham, 168:13

volume, the law is clear. The person should recite the bread blessing before eating and the long Bentching blessing when he is through. A harder case is presented by someone who changes his mind. What is the proper course of conduct for one who ends up eating the requisite volume despite the fact he had not planned on doing so? Similarly, what is the rule for someone who planned on eating the necessary volume and later decides not to?

‘‘...Who brings forth bread from the earth’’ should be recited if and only if the person, at the time he starts eating, plans on eating the requisite volume. The lengthy Bentching blessing, on the other hand, should be said if and only if the person actually ate the necessary volume. Thus, someone who planned to eat the requisite volume and later decided to eat less would recite the bread blessing before he eats and the shorter Maayn Shalosh after he eats. One who ends up eating the requisite amount despite his initial intention to eat less, should recite ‘‘...Who creates species of nourishment’’ before eating and the lengthy Bentching when he is done.<sup>30</sup>

#### b. Items Which Fail to Fulfill the Second Requirement

All of these rules about foods normally preceded by the blessing ‘‘... Who creates species of nourishment’’ achieving the status of bread pertain to items that are made from the five species of grain and are baked. The only reason they are not deemed ‘‘bread’’ is that they are lacking the necessary third condition, i.e. they are not generally used as the main part of a meal. Thus, what these rules have taught is that if someone does eat them in a meal-like manner, the third condition is fulfilled and they are treated like bread.

Items which are made from the five species of grain but are not baked are not subject to the rules laid out above. Cooked grain products are not ‘‘bread’’ because they do not have the appearance of bread. Thus, even if one were to eat these grain products in a meal-like manner

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<sup>30</sup>Shulchan Aruch, Orach Chaim, 168:6

(i.e. in large quantities, thus fulfilling the condition that they be used as the main part of a meal), they would still not be deemed ‘‘bread.’’<sup>31</sup> Thus, no matter how much one eats of items like farina or macaroni, the blessing preceding them remains ‘‘...Who creates species of nourishment,’’ and the blessing following them remains Maayn Shalosh.<sup>32</sup>

The same rule applies to grain products which are prepared by deep frying. Deep frying, whereby the dough is completely submerged in oil, is the equivalent of cooking. These items do not have the appearance of bread and may thus be eaten in any quantity without being deemed ‘‘bread.’’ If, however, the dough or batter is prepared in a pan which is simply coated with a small amount of oil to prevent burning, the resulting food is considered ‘‘baked.’’ Thus, consumption of large quantities will effect a change in status.<sup>33</sup> The rule with regard to items which are fried in more oil than needed to just prevent burning but less oil than it would take to completely submerge them is unclear. Authorities are unsure whether this preparation has the status of baking or of cooking.

### 3. Loss of Bread Status

Once an item fulfills all three of the necessary conditions and has thus been classified as bread, there are still ways for the food to lose that status and to therefore change its’ blessing from ‘‘...Who brings forth bread from the earth’’ to ‘‘...Who creates species of nourishment.’’ There are two ways this can happen.

First, the Talmud<sup>34</sup> teaches that bread which is subsequently cooked should no longer be preceded by the bread blessing. While cooking in water certainly constitutes ‘‘cooking’’ for the purposes of this rule, as we saw in the context of whether dough becomes ‘‘bread’’ in the first instance,

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<sup>31</sup>Chayei Adam, 54:2

<sup>32</sup>Rama to Shulchan Aruch, Orach Chaim, 168:13

<sup>33</sup>Rama to Shulchan Aruch, Orach Chaim, 168:14 citing the Hagahos Maimonios

<sup>34</sup>Tractate Brachos, 37a

whether frying bread in oil counts as ‘‘cooking’’ is a more complex question. The same guidelines which applied there apply here. If the bread is submerged in oil, it has been ‘‘cooked.’’

If the pan is coated with oil to prevent burning, the bread has not been ‘‘cooked.’’ If the quantity of oil is in-between these two amounts, it is questionable whether ‘‘cooking’’ has taken place.

Even if the bread has been ‘‘cooked,’’ the blessing remains ‘‘...Who brings forth bread from the earth’’ if the pieces of cooked bread are at least as large as the size of an olive. However, if the pieces are smaller than the size of an olive, the status of bread is lost and the blessing becomes ‘‘...Who creates species of nourishment.’’<sup>35</sup> If the dish has some pieces larger than an olive and others smaller than an olive, the appropriate blessing is determined by the pieces the person eats. If the person eats even one large piece, he must make the bread blessing. However, if he only eats the small pieces, only ‘‘...Who creates species of nourishment’’ need be said.<sup>36</sup>

The second way bread can lose its status also requires that the individual pieces of bread be smaller than the size of an olive. If this is the case and the pieces have been processed in such a way that they can no longer be recognized as bread, the appropriate blessing becomes ‘‘...Who creates species of nourishment.’’ Once again, if there are any pieces which are the size of an olive, then irrespective of the fact that they can no longer be recognized as bread, the proper blessing is the bread blessing.<sup>37</sup>

## C. Fruits of the Tree vs. Fruits of the Ground

### 1. Definition of a Tree

One of the more complex borders in the categories identified above is that between ‘‘fruits

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<sup>35</sup>Shulchan Aruch, Orach Chaim, 168:10, Beis Yosef to Tur, Orach Chaim, 168

<sup>36</sup>Biur Halacha to Orach Chaim, 168:10 ‘‘V'im,’’ Mishna Brura, 168:53

<sup>37</sup>Shulchan Aruch, Orach Chaim, 168:10, Mishna Brura, 168:56



of the tree'' and ''fruits of the ground.'' Authorities in Jewish law discuss what characteristics are necessary to deem something a tree and thus to have its' fruits require the former blessing. The Talmud states that the tree blessing is appropriate if after you harvest one year's fruits, some part of the plant remains behind and produces fruits again. If this is not the case, the proper blessing is ''...Who creates the fruit of the ground.''<sup>38</sup>

Later authorities argue about what part of the plant has to remain from one year to the next in order for the tree blessing to be warranted. Some are of the opinion that as long as the roots remain in the ground, the plant has the status of a ''tree'' for these purposes.<sup>39</sup> Others hold that the roots alone are insufficient to confer the status of a tree. In addition, the stem of the plant must stay from year to year.<sup>40</sup> The accepted practice is to follow the latter view.<sup>41</sup>

Aside from an element of constancy from one year to the next, there is one opinion that in order to be considered a tree, the plant must be at least nine inches high. Short shrubs, even if they produce fruits every year, would not warrant the tree blessing.<sup>42</sup> Although most authorities disagree with this view,<sup>43</sup> a custom has developed to follow it.

Finally, some hold that in addition to constancy and height, a plant must have fruits which grow on branches in order to be deemed a tree. If the fruits grow directly out of the central portion (i.e. trunk) of the plant, the proper blessing is ''... Who creates the fruit of the ground.''<sup>44</sup> This requirement only applies to plants which are relatively short or which

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<sup>38</sup>Talmud Tractate Brachos, 40a-40b

<sup>39</sup>Rabbeinu Asher in his commentary on the sixth chapter of Tractate Brachos, Paragraph 23, Tosfos to Tractate Brachos 40a: ''Eiteh L'Gavza,'' Rabbeinu Tam in the name of Rabbi Meir cited in the Hagahos Ashri on the sixth chapter of Tractate Brachos

<sup>40</sup>Rashi to Brachos 40a as explained by the Bach on the Tur, Orach Chaim, 203, Mordechai quoting Teshuvos HaGeonim cited in Rama to Shulchan Aruch, Orach Chaim, 203:2

<sup>41</sup>Id.

<sup>42</sup>Rabbi Menachem cited in Beis Yosef to Tur, Orach Chaim, 203

<sup>43</sup>Magen Avraham and others cited in Mishna Brura, 203:3

<sup>44</sup>Graz in his siddur, 6:7, Ketzos HaShulchan, 49:6

have relatively soft central portions.<sup>45</sup> Others are of the opinion that no such requirement exists.<sup>46</sup>

Applying these principles to actual fruits, strawberries do not get the ‘‘tree’’ blessing. Although the roots of the strawberry plant remain from one year to the next, the stems are regenerated every year. Thus, the proper blessing on strawberries is ‘‘... Who creates the fruit of the ground.’’<sup>47</sup> Also, bananas grow on plants that very much look like trees. However, since the trunk of the tree is renewed every year, the appropriate blessing is ‘‘...Who creates the fruit of the ground.’’<sup>48</sup>

As an illustration of the custom which has developed with regard to short shrubs, cranberries grow on vines which produce fruits every year. However, since they lie so close to the ground, the proper blessing on them is ‘‘... Who creates the fruit of the ground.’’

The determination of the proper blessing on raspberries is affected by the dispute whether the fruits must grow off branches in order to deem the plant a tree. According to those who do impose such a requirement, the appropriate blessing on raspberries is the ground blessing. Those who hold that no such requirement exists maintain that one should recite the tree blessing on raspberries since the plant does fulfill the constancy and height requirements.

## 2. Items not Planted in the Soil

The discussion until this point has assumed that the plants in question were planted in the ground. If they were, the factors above govern whether a particular fruit gets the tree blessing or the ground blessing. A complication is presented by plants which were not planted in the

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<sup>45</sup>Badei HaShulchan, 49:6 provides this qualification. Considering the fact that dates also grow directly out of the trunk, he sees this qualification as necessary to explain how the authorities in FN 44 can still hold that the proper blessing on dates is ‘‘...Who creates the fruit of the tree.’’

<sup>46</sup>Biur HaGra to Tractate Kilayim

<sup>47</sup>Mishna Brura, 203:3

<sup>48</sup>Ketzos HaShulchan, 49:18

ground.

a. Pots

The law with regard to items planted in pots depends on the nature of the pot. If the pot has a hole and is laid on the ground, the resulting plant is deemed to have grown from the ground, and all the laws discussed above apply. If, however, the pot has no hole, the proper blessing to recite on items which grow in the pot is a complex matter.

Some take a technical approach and assess whether the language of the blessings in question can truthfully be applied to fruits grown in a pot.<sup>49</sup> With regard to items upon which one would normally recite “... Who creates the fruit of the ground,” these authorities point to a passage in the Talmud which seems to imply that “ground” can only refer to soil that is part of the earth.<sup>50</sup> Once the soil is detached from the rest of the earth, it is no longer called “ground.” Therefore, the “...Who creates the fruit of the ground” blessing cannot be recited on these items. Instead, the proper blessing to make on these items becomes the generic “...through Whose word everything came to be.”

However, with regard to items which are normally preceded by the tree blessing that are grown in a pot, these authorities maintain that as long as the plant has the characteristics of trees discussed earlier, the proper blessing remains the tree blessing. Since the growth is still a tree and the blessing makes no mention of the ground, there is no need to change the blessing from “...Who creates the fruit of the tree.”<sup>51</sup>

Others dispute the distinction drawn between fruits of the tree and fruits of the ground. They hold that even soil detached from the earth can be called “ground.”<sup>52</sup> Thus, according to

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<sup>49</sup>Chayei Adam, 51:17, Nishmas Adam, 151:3

<sup>50</sup>Tractate Chullin, 139b

<sup>51</sup>Nishmas Adam, 151:3

<sup>52</sup>While they do not directly address the proof of the Chayei Adam from Tractate Chulin 139b, they bring a proof from Tractate Menachos 84 that soil in a pot can be referred to as “ground.”

these authorities, planting in a pot has no effect on the normal blessings recited before eating fruits.<sup>53</sup>

#### b. Hydroponics

Hydroponics is the other area where questions have been raised about whether the “fruit of the tree” and the “fruit of the ground” blessings are appropriate.

Some have compared this question to the case of mushrooms. Although they grow on the ground, the Talmud teaches that mushrooms do not receive their nourishment from the soil. Based on this, the Talmud<sup>54</sup> states that mushrooms should not be preceded by the “...Who creates the fruit of the ground” blessing. Instead, the proper blessing is “... through Whose word everything came to be.” Similarly, these authorities conclude, since produce grown using hydroponics does not receive its nourishment from the soil, the appropriate blessing is “... through Whose word everything came to be.”<sup>55</sup>

Furthermore, with regard to a different area of Jewish Law, the Talmud<sup>56</sup> records a dispute whether water in a river can be viewed as an extension of the earth beneath it. The law is in accord with the view that the water is not viewed as an extension of the earth. Thus, produce grown in water cannot be said to be growing from the ground. Therefore, one should recite “... through Whose word everything came to be” on these fruits.<sup>57</sup>

When one goes to the supermarket, he need not be concerned that some of the produce he purchased was grown using hydroponics thus requiring a different blessing than would normally be made on that item. This is due to the fact that we follow the majority, and the overwhelming majority

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<sup>53</sup>Sdei Chemed, 20:100, Keren Orah to Tractate Menachos 70a, Yechave Daas, 6:12

<sup>54</sup>Tractate Brachos, 40b

<sup>55</sup>Yechave Daas, 6:12

<sup>56</sup>Tractate Gittin, 8a

<sup>57</sup>Yechave Daas, 6:12. While the Yechave Daas acknowledges the fact that the Responsa Shevet HaLevi, 1:205 rules that the regular blessings should be recited on fruits grown using hydroponics, he feels that his proofs demonstrate otherwise.

of produce is grown using traditional methods.<sup>58</sup>

D. Fruit of the Tree/Ground vs. Generic ‘...through Whose word everything came to be’

#### 1. Way Normally Eaten vs. Irregular Mode of Consumption

Application of these factors in order to determine whether the item should be preceded by the tree blessing or the ground blessing is not the only consideration to take into account before eating fruits and vegetables. Neither blessing is appropriate if the fruit or vegetable is not being eaten in the way it is normally eaten by most people in that locality. If it is being eaten in this irregular manner, the proper blessing is ‘... through Whose word everything came to be.’<sup>59</sup>

The rationale for this rule differs with the case to which it is being applied. Some items are normally eaten only after being cooked or roasted. By consuming this item raw, the individual has kept the item from reaching the purpose for which it was planted. An item which has failed to reach its’ ultimate purpose is not important enough to be called a ‘fruit.’ Since both the tree and the ground blessings mention ‘fruit,’ they may not be recited over this item. Instead, the proper blessing is the more generic ‘...through Whose word everything came to be.’<sup>60</sup>

Other items are normally eaten raw. In this state, the item can certainly be deemed a ‘fruit.’

However, when these items are subsequently cooked, it is possible for them to lose their elevated

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<sup>58</sup>Yechave Daas, 6:12

<sup>59</sup>Shulchan Aruch, Orach Chaim, 205:1 with gloss of Mishna Brura, 205:3,4 and Biur Halacha: ‘Shetovim Chayim’ and ‘Shetovim Mevushalim’

<sup>60</sup>Chayei Adam, 51:2, Igros Moshe, Orach Chaim, 1:57, Levush, Orach Chaim 202:12. The Levush points out that even though as far as the person eating the item raw is concerned, the ‘fruit’ has reached its’ ultimate purpose, the law tracks the way most people would define the item’s ultimate purpose.

status as ‘‘fruits.’’ Thus, these things should also be preceded by ‘‘...through Whose word everything came to be.’’<sup>61</sup>

The different rationales for these cases give rise to a difference in law between the two cases. If something is normally eaten cooked, the tree and ground blessings are inappropriate when eating it raw even if the item is just as tasty raw as it is cooked. Since the item has not reached the goal for which it was planted (since most people do not eat it in its current state), it is not deemed a ‘‘fruit’’ regardless of how tasty it may be right now.<sup>62</sup> On the other hand, items which are generally eaten raw only lose their tree and ground blessings upon being cooked if they deteriorate in quality through the cooking process. Since these items already achieved the status of a ‘‘fruit,’’ they may only be stripped of that status by a deterioration in quality. If they are just as tasty after being cooked, the fact that most people do not eat them cooked is not enough to deprive them of their status as ‘‘fruits.’’<sup>63</sup>

All of the above was not meant to imply that all items must have one designated state in which they are regularly eaten. Some items may be ‘‘normally’’ eaten both raw and cooked. If this is the case, the appropriate tree or ground blessing should be recited regardless of the state the item is in when eaten.<sup>64</sup> Carrots are a good contemporary example of an item normally eaten both raw and cooked.<sup>65</sup>

At the other end of the spectrum are items which, whether raw or cooked, are not normally eaten alone. They are generally used to compliment other foods. When one eats these items alone, regardless of the state they are in, the appropriate blessing is ‘‘... through Whose word

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<sup>61</sup>Rashi to Talmud Tractate Brachos 38b: ‘‘Kol’’

<sup>62</sup>Nishmas Adam, 51:2

<sup>63</sup>Rama to Shulchan Aruch, Orach Chaim, 205:1, Mishna Brura, 205:6

<sup>64</sup>Shulchan Aruch, Orach Chaim, 202:12 and 205:1. In 202:12, the Shulchan Aruch (written in the 16<sup>th</sup> century) uses apples and pears as examples of things normally eaten in both states.

<sup>65</sup>Igros Moshe, Orach Chaim, 1:66

everything came to be.’’<sup>66</sup> Since the custom is not to eat these items by themselves, they are not deemed ‘‘fruits’’ when eaten this way. Horseradish is a good example of a vegetable which belongs in this category.<sup>67</sup>

Onions are another example of an item which is normally not eaten alone, whether raw or cooked. Therefore, one does not usually recite the ‘‘fruit of the ground’’ blessing before eating onions. However, when onions have been fried in oil or butter, they are eaten alone. Therefore, in this scenario, they would be preceded by the ‘‘fruit of the ground’’ blessing.<sup>68</sup> As these examples show, the law in this area is extremely context-specific.

As mentioned earlier, the rule in these cases depends on the common way the item is eaten in that particular locality. Authorities differ about how to define the locality. Some define it narrowly as the town or city in question.<sup>69</sup> Others say that the relevant frame of reference is the country in which the person resides.<sup>70</sup> These opinions would lead to different results in a case where a person eats something in a manner that is not common in his city but is common in the country as a whole. According to the first view, this person should recite the ‘‘...through Whose word everything came to be’’ blessing. The second view, however, would say that the normal tree or ground blessing should be said. Later authorities have adopted the narrower definition of locality.<sup>71</sup>

A further complication arises when one travels. Should such a person make blessings in accordance with the customs of the place he lives or of the place he is visiting? One modern day authority has ruled that if the person is simply visiting, he should determine appropriate blessings

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<sup>66</sup>Mishna Brura, 205:5

<sup>67</sup>Shaar HaTziyon, 203:16

<sup>68</sup>Igros Moshe, Orach Chaim, 1:64

<sup>69</sup>Chayeil Adam, 51:2, Nishmas Adam, 51:1

<sup>70</sup>Kaf HaChaim, 202:92 quoting the Derech HaChaim

<sup>71</sup>Shaar Hatziyon, 205:3

based on the custom in his hometown. However, if a person moves to a new place, he should act according to the customs of his new home.<sup>72</sup>

## 2. Item Must Be Recognizable When Eaten

Even if the item of produce is eaten in a state (i.e. raw or cooked) common in that locale, it is still possible for the item to be unworthy of the title ‘‘fruit’’ and thus require the ‘‘...through Whose word everything came to be’’ blessing. In order to get the ‘‘fruit of the tree’’ or the ‘‘fruit of the ground’’ blessing, the item has to be somewhat recognizable when eaten.

That said, the consequences of this rule are quite minimal. More specifically, even if the fruit has been completely mashed, as long as one can still tell which fruit it is, the blessing remains the tree or ground blessing.<sup>73</sup> Furthermore, even if it is ground to the point that one cannot tell which fruit it is, if most of the time the item is eaten in this way, it retains its’ normal blessing.<sup>74</sup> If it is ground past the point of recognition but is only occasionally eaten this way, there is a dispute whether the proper blessing is the tree/ground blessing or the ‘‘...through Whose word everything came to be’’ blessing.<sup>75</sup>

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<sup>72</sup>Ruling of Rabbi Shlomo Zalman Auerbach zt’’l

<sup>73</sup>Biur Halacha to Orach Chaim, 202:7: ‘‘Temarim’’ citing the Magen Avraham, Elia Raba, Graz, and Chayei Adam who all agree with this view

<sup>74</sup>Mishna Brura, 203:12, Shaar HaTziyon, 203:19 citing the Terumat HaDeshen 29 who agrees

<sup>75</sup>Nishmas Adam, 51:10



### III.

## Ability of a Blessing to Cover Items from Different Blessing Categories

### A.

#### 1. General Rule

Section II dealt with how to determine the appropriate blessing on an item eaten alone. This section discusses the law in a case where one wishes to eat a mixture comprised of two or more foods that have different blessing obligations. While one could imagine a rule that obligates the eater to recite each of the individual blessings, the Talmud teaches the following: ‘‘Whenever there is a primary food and with it a subordinate food, the blessing on the primary food exempts the subordinate food.’’<sup>76</sup> Thus, no blessing need be recited on the components of the mixture which would be considered subordinate. This is true with regard to both the blessing which would normally precede the secondary food and the blessing which would normally come after the secondary food. Neither of these blessings need be said.

#### 2. How This Rule Works

Before plunging into the details of this principle, it is important to note that later authorities have questioned the mechanism by which this rule works.<sup>77</sup> Some have suggested that the secondary

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<sup>76</sup>Tractate Brochos, 44a

<sup>77</sup>Igros Moshe, Orach Chaim, 4:42

foods are rendered completely insignificant in the presence of the primary food and therefore require no blessing at all. With regard to the laws of blessings, it is as if the subordinate items are not present at all. Others have explained that the subordinate items are viewed as taking on the characteristics of the primary item. Thus, while the secondary foods are there and do require a blessing, they are exempted by the blessing on the primary food. This debate amongst the later authorities is not purely academic. Among the practical differences between these two approaches are the following:

Aside from the obligation to make blessings before eating, there is also an obligation to make blessings after eating. Like the ‘‘before blessings’’, these blessings vary based on the type of food eaten. Unlike the ‘‘before blessings’’ which are said even if only a crumb will be eaten, the ‘‘after blessings’’ are only recited after consuming an olive’s volume of food.<sup>78</sup>

What would the rule be in a case where the primary and secondary foods are followed by different ‘‘after blessings’’ and the person eats less than an olive’s volume of the primary food but together with the secondary food, he has eaten a total volume greater than an olive? Should this individual recite the ‘‘after blessing’’ which normally follows the primary food?

If we understand that a subordinate food is rendered completely insignificant in the presence of a primary food and requires no blessing, the subordinate food would not be able to contribute to the volume needed to obligate the eater in the ‘‘after blessing’’ of the primary food. Therefore, no ‘‘after blessing’’ would be required in this case. On the other hand, if the secondary item takes on the characteristics of the primary item, the subordinate food would be able to contribute to the volume needed, and the eater would be obligated to recite the ‘‘after blessing’’ of the primary food.

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<sup>78</sup>Shulchan Aruch, Orach Chaim, 168:9, 184:6, 210:1 See Section IX as well.

A second practical difference between these two approaches stems from a rule in a different area of the laws of blessings. In order for a blessing to cover more than the item the person is actually holding at the time of recital, either the additional foods must be in front of the individual at the time of recital<sup>79</sup> or the individual must have these additional items in mind at the time he recites the blessing.<sup>80</sup> In a case where one makes a blessing on a primary food without the secondary food before him and without having the secondary food in mind, must he make a blessing on the secondary food when it is subsequently brought before him? If subordinate items lack significance and require no blessing at all, then even in this instance, no blessing would be needed. However, according to the other view, secondary foods do require a blessing. They are simply exempted from their blessing obligation by the blessing recited on the primary food. In order to extend the effect of the blessing on the primary food, either the secondary food must be before the person at the time he recites the blessing or he must have the secondary item in mind when he recites the blessing. In this instance, since neither of these conditions was fulfilled, a separate blessing would be needed on the secondary item. Later authorities<sup>81</sup> have resolved this inquiry into the mechanism by which the blessing on a primary food exempts a secondary food using the statements of a medieval Talmudic commentator. This commentator states that the blessing on the primary food only exempts the secondary food if either the secondary food is there at the time of recital or the person has the secondary food in mind.<sup>82</sup> This ruling seems to indicate that the subordinate food does require a blessing;

<sup>79</sup>Rama to Shulchan Aruch, Yoreh Deah, 19:6

<sup>80</sup>Rama to Shulchan Aruch, Orach Chaim, 206:5

<sup>81</sup>Chazon Ish, Orach Chaim, 27:9

<sup>82</sup>Tosfos to Tractate Brochos, 44a ‘b’ochlei,’ Shulchan Aruch, Orach Chaim, 177:5. If neither of these conditions is fulfilled, it is important to remember that there are two consequences. First, as stated above, a blessing must be recited before eating the secondary item. Second, when the individual finishes eating, the after blessing of the primary food cannot exempt the secondary food from its after blessing obligation. Thus, a separate after blessing will be required for the secondary item. These two consequences flow naturally from the power the blessings over a primary food normally have to exempt an individual from reciting blessings both before and after

it is just exempted by the blessing on the primary food. If the secondary food was rendered insignificant in the presence of the primary food to the extent that it requires no blessing at all, the blessing on the primary food should cover the secondary item regardless of whether one of these conditions was fulfilled. Following through with this logic, one contemporary authority has ruled that in a situation where the amount of secondary food consumed puts one above the olive volume threshold, the ‘‘after blessing’’ of the primary food should be said.<sup>83</sup>

### 3. The Rule in Action

#### a. Combinations to Which the Rule Applies

The rule of primary and secondary foods applies to foods eaten in some sort of ‘‘combined’’ manner. Thus, the first issue to discuss is what types of combinations can take advantage of the rule that the blessing on the primary food exempts the secondary food. There are two common situations which must be addressed.

First, with regard to foods which have been mixed together, there is a dispute among the authorities. Some rule that as long as both foods are distinguishable, both blessings must be recited.<sup>84</sup> Others are of the opinion that even if both are distinguishable, as long as a spoonful of the mixture would generally contain both foods, the blessing on the primary food is sufficient for the entire mixture.<sup>85</sup> According to the former view, one eating macaroni and cheese would have to make one blessing on the noodles and a separate blessing on the cheese. Since the noodles and the cheese are each recognizable, two blessings are needed. The latter view would say that one blessing is sufficient in this instance. Since a spoonful of the dish contains both macaroni and cheese, the blessing on the primary item can exempt the secondary item.<sup>86</sup>

the secondary food.

<sup>83</sup>Igros Moshe, Orach Chaim, 4:42

<sup>84</sup>Chayei Adam, 51:13, Kitzur Shulchan Aruch, 48:10

<sup>85</sup>Aruch HaShulchan, 212:1,2, Pri Megadim, Introduction to Laws of Blessings, Paragraph 11

<sup>86</sup>This tells us only that one blessing is sufficient for the dish. It does not tell us which

In practice, the latter opinion is followed.<sup>87</sup>

Second, this rule also applies in certain situations where two foods are not mixed together.

More specifically, if one food is being eaten only to enhance the other food, the blessing on the primary food exempts the enhancer.<sup>88</sup> Thus, if one has salad with dressing, the blessing on the salad exempts the dressing from any blessing it might normally require.

While dressing will always be viewed as the enhancer vis-à-vis salad, sometimes identifying the primary component and enhancer component of a food combination may not be so clear. For instance, some people who eat melon with cottage cheese view the melon as the enhancer while others view the cottage cheese as the enhancer. In a situation like this, the intention of the eater determines which item is the primary food.<sup>89</sup> Thus, one who considers the melon to be primary would make a blessing only on the melon whereas one who saw the cottage cheese as primary would only need to make a blessing on the cottage cheese.

#### b. Determining the Identity of the Primary Food in Mixtures

Once we have determined that a given mixture fits into the first of the categories discussed in the preceding section, we know that only the blessing of the primary component need be recited on the mixture. The next issue is determining which component of the mixture is the primary component. In making this determination, there are three general principles to follow.

If the mixture contains any of the five species of grain (wheat, barley, oats, rye, or spelt), this component is deemed primary and the whole mixture is exempted by the ‘‘...Who creates species of nourishment’’ blessing recited over these grains.<sup>90</sup> This is based on the importance

blessing should be said, that of the macaroni or that of the cheese. Section III(A)(3)(b), on the next page, will explain how to determine which food is primary, and hence which blessing should be recited.

<sup>87</sup>Mishna Brura, 212:1, Biur Halacha and Shaar HaTzion

<sup>88</sup>Mishna Brura, 212:5, Shaar HaTzion, 212:21

<sup>89</sup>Shulchan Aruch, Orach Chaim 168, Magen Avraham 30

<sup>90</sup>Tractate Brochos, 36b, Shulchan Aruch, Orach Chaim, 208:2

attached to these grains as staple foods. This rule, however, is subject to an important qualification. The grain item is only deemed primary if it is added to enhance the flavor of the mixture<sup>91</sup> or to make the mixture more satisfying.<sup>92</sup> Since the importance of these grains is derived from their status as foods, they are only deemed primary when they are functioning in that capacity, i.e. as enhancers of taste or of sustenance. When grain is used as a mere thickening agent, it is not primary. The same holds true when the grain is used to add color or aroma.<sup>93</sup> If the mixture does not contain grain or if it does contain grain but the grain is used to provide thickness, aroma, or color, one must determine whether one of the ingredients in the mixture is being used to enhance the other. If so, the food being enhanced is deemed primary and its blessing exempts the other ingredients from a blessing.<sup>94</sup> When grain is not present and neither component is being used as an enhancer, the majority ingredient is considered primary.<sup>95</sup> If it is hard to determine which item is in the majority, one should add to or take away from one of the ingredients on his plate in order to establish a clear majority.<sup>96</sup> A harder case is presented when there is no majority ingredient and it would be considerably difficult to establish a majority by simply moving things on to or off of the plate. For instance, imagine a fruit salad consisting of cantaloupe, honeydew, pineapple, apple, and orange. Not

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<sup>91</sup>Rashba to Tractate Brochos 37a “duvsha ikar,” Shulchan Aruch, Orach Chaim, 204:12 with gloss of Magen Avraham 25

<sup>92</sup>In a situation where grain is added to provide greater sustenance and the taste of the grain is present in the overall mixture, all authorities agree that the grain takes on primary status. Mishna Brura, 208:8 However, if grain is added for sustenance but cannot be tasted at all, there is a dispute among the authorities. The Taz, in his gloss on Shulchan Aruch, Orach Chaim, 208:3, rules that even in this situation, the grain is deemed primary. The Magen Avraham, however, in his gloss to Orach Chaim, 204:25, rules that whenever the grain cannot be tasted, it is not primary. This latter view has been accepted. Biur Halacha, 208:9 “mevarech”

<sup>93</sup>Maimonides, Laws of Brochos, 3:5, Shulchan Aruch, Orach Chaim, 204:12

<sup>94</sup>Mishna Brura, 212:1

<sup>95</sup>Rosh to Tractate Brochos Chapter 6, Paragraph 7, Shulchan Aruch, Orach Chaim, 208:7, Magen Avraham, 204:25, Taz, 208:10

<sup>96</sup>Pri Megadim, 208:7

one of these items makes up more than fifty percent of the overall mixture. In cases like this, authorities advise making a different type of majority determination. Instead of looking for a single ingredient which constitutes more than half of the mixture, the person should break down the components of the mixture by category of blessing. In this example, there would be two categories, category A consisting of items preceded by the ‘‘...Who creates the fruit of the ground’’ blessing and category B consisting of items preceded by the ‘‘...Who creates the fruit of the tree’’ blessing. Cantaloupe, honeydew, and pineapple would be placed in category A while apples and oranges would be placed in category B. The two categories should then be compared with one another. If the members of category A together constitute a majority of the fruit salad, the proper blessing is ‘‘...Who creates the fruit of the ground.’’ On the other hand, if the members of category B make up a majority of the salad, the proper blessing is ‘‘...Who creates the fruit of the tree.’’<sup>97</sup>

While this procedure works well when the members of a given category do make up more than half of the mixture, it runs into problems when this is not the case. Staying with the example above, imagine a fruit salad that, in addition to the items listed above, contains a food normally preceded by the ‘‘... through Whose word everything came to be’’ blessing. Now, there would be three categories. In addition to A and B, there would be category C consisting of this added food. While it is possible that the members of one of these categories will constitute more than half of the mixture, it need not be the case. If the mixture is comprised of 35% category A, 35% category B, and 30% category C, the proper blessing is far from obvious. Further study is needed on this question.<sup>98</sup>

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<sup>97</sup>Pischei Halacha, Chapter 7, Note 11

<sup>98</sup>Piskei Tshuvos, 212:1, Note 6

#### 4. Special Rules for Scenarios Where the Secondary Item is Eaten First

The rules we have discussed until now about the blessing on a primary food exempting secondary foods from their blessing obligations apply when the two foods are eaten together or when the primary food is eaten before the secondary food. A more complicated issue is the proper course of conduct for one who eats the secondary food before the primary food.<sup>99</sup>

Generally, the primary food's blessing can exempt secondary foods because that blessing was made before the secondary foods were consumed. Here, however, the secondary food is eaten before the blessing on the primary food is said. It would not make sense to say that a blessing uttered later can cover items that were consumed beforehand.<sup>100</sup> The question is what blessing should be recited on the secondary item.

Some authorities hold that food is only deserving of its specific blessing (i.e. the blessing on bread, grain products, wine, fruits of the tree, or fruits of the ground) when it is being eaten for its own sake. If the food is being eaten purely to facilitate the consumption of something else, a specific blessing is not warranted. At the same time, no food may be eaten without being preceded by a blessing. Thus, the proper thing to do in this situation is to recite the generic "...through Whose word everything came to be" blessing on the secondary item. If the primary item is supposed to be preceded by a blessing other than "...through Whose word everything came to be," that blessing should be recited before partaking of the primary item.<sup>101</sup>

Others hold that the mere fact the secondary item is being eaten to facilitate the consumption of the primary item is not enough of a reason to deprive the secondary item of its proper blessing

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<sup>99</sup>Rama to Shulchan Aruch, Orach Chaim, 212:1

<sup>100</sup>Mishna Brura, 212:9 explaining why this case poses a novel issue.

<sup>101</sup>Terumat HaDeshen 35 quoted in Rama to Shulchan Aruch, Orach Chaim, 212:1. The reasoning behind this opinion is elaborated on by the Biur Halacha to Orach Chaim 212:1 "V'aino mvarech alav"



in all instances. Instead, the proper blessing to recite on the secondary item depends on the identity of the primary item. If “...through Whose word everything came to be” is the appropriate blessing to recite on the primary item, the person should recite this blessing on the secondary item (irrespective of what its normal blessing would be) and it will cover the subsequently eaten primary item as well. If the proper blessing on the primary item is anything other than “...through Whose word everything came to be,” the secondary item and the primary item should each be preceded by their normal blessings.<sup>102</sup>

To illustrate the difference between these two approaches, imagine two people who each want to drink alcoholic beverages. One wishes to drink whiskey, upon which the proper blessing is “...through Whose word everything came to be,” and the other wants to drink wine, upon which the proper blessing is “...Who creates the fruit of the vine.” Both want to eat a cracker before drinking so they won’t be consuming alcohol on an empty stomach. Generally speaking, the appropriate blessing on a cracker is “...Who creates species of nourishment.” In this scenario, the alcoholic beverage is the primary item. The cracker, since it is only being eaten to facilitate the subsequent drinking of the alcoholic beverage, is the secondary item.

Both opinions cited above would agree that the whiskey drinker should recite a “...through Whose word everything came to be” blessing on the cracker, eat the cracker, and then drink the whiskey without any additional blessing. The blessing recited on the cracker covers the whiskey.

The first opinion would say that the wine drinker should also recite a “...through Whose word everything came to be” blessing on the cracker. Since the cracker is not being eaten for

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<sup>102</sup>Magen Avraham to Orach Chaim, 212:4

its own sake, it loses its normal blessing of ‘‘...Who creates species of nourishment’’ and is subject to the more general ‘‘...through Whose word everything came to be.’’ Upon drinking the wine, a ‘‘...Who creates the fruit of the vine’’ blessing should be said. While the second opinion would agree that the wine requires a ‘‘...Who creates the fruit of the vine’’ blessing, it would say that the cracker is subject to its normal ‘‘...Who creates species of nourishment’’ obligation. Since ‘‘...through Whose word everything came to be’’ is not the proper blessing on the primary item (i.e. the wine), the secondary item (i.e. the cracker) retains its regular blessing.<sup>103</sup>

Due to the uncertainty about what to do when the secondary item is eaten first, some are of the opinion that it is better to avoid the situation altogether by eating a little of the primary item first. In this way, the blessing recited on the primary item certainly covers the secondary item.<sup>104</sup>

B.

#### 1. General Rule

The principle that the blessing on a primary food can cover secondary foods applies when the foods are eaten together or immediately one after the other. If the secondary food is eaten separately, it will require its own blessing. An exception to this rule is found in the context of meals which include bread. If one starts a meal with bread, the blessing recited over the bread has the ability to exempt not only foods which are eaten together with or immediately

<sup>103</sup>This hypothetical is adapted from one provided by the Mishna Brura, 212:10

<sup>104</sup>Kitzur Shulchan Aruch, 54:3

after the bread, but also to cover many of the foods eaten at much later times during the meal.<sup>105</sup> Similar to the rule with regard to primary and secondary foods, not only are the foods eaten during the meal exempt from the blessings which would normally precede them, these foods are also exempt from the blessings which would normally come after them. The blessings recited on the bread exempt these other items from their blessing obligations. Before getting into the details of which foods the blessing on bread has the ability to cover, it is important to note a condition needed for this rule to work. One must eat at least an olive's volume of bread in order for the blessing to cover other foods.<sup>106</sup> Also, this quantity of bread must be consumed within a time span of approximately three minutes.<sup>107</sup> If these conditions are not fulfilled, the consumption of bread may not be significant enough to exempt the other foods from their respective blessing obligations.

## 2. Scope

Provided a person ate the requisite amount of bread in the requisite amount of time, all foods eaten during the meal for the purpose of satiation are covered by the initial blessing on the bread. Thus, foods like chicken, meat, soup, noodles, and flavored vegetables do not require a blessing when eaten in the middle of a meal which started with bread.<sup>108</sup>

Drinks present a more interesting question. Some authorities rule that since beverages are not consumed for the purpose of satiation, they do require a separate blessing.<sup>109</sup> Others, however, point to the fact that drinks are used to aid the process of eating and that they help with the thirst generated by food. Based on this rationale, they can be covered by the

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<sup>105</sup>Tractate Brochos 41b, Shulchan Aruch, Orach Chaim, 177:1

<sup>106</sup>Igros Moshe, Orach Chaim, Part 4, Chapter 41

<sup>107</sup>Id.

<sup>108</sup>Mishna Brura, 177:1, Chayei Odom, 43:1

<sup>109</sup>Raavad, quoted in Beis Yosef 174

blessing on the bread.<sup>110</sup> In practice, the latter view and its rationale are followed.<sup>111</sup> Thus, while drinks generally do not require their own blessing, if they are consumed for non meal-related purposes, i.e. for intoxication, they would require a separate blessing.

Foods which are neither eaten with bread nor are they eaten for the purpose of satiation do require a separate blessing. Thus, when items like jello, ice cream, and candy are eaten for dessert, one must recite a blessing.<sup>112</sup> A harder question is posed by items like cake and pies. These items, when eaten for dessert, often serve a dual purpose. On the one hand, cake, like candies, is often consumed to satisfy a sweet tooth. On the other hand, many people are genuinely still hungry at the end of the main meal, and the cake is partially serving a satiation purpose. To avoid this complicated situation, many authorities advise having specific intent, at the time one recites the blessing on the bread to include any cake one may later eat.<sup>113</sup>

The law with regard to fruit eaten in the middle of a meal is heavily context dependent. At one extreme is a scenario where fruit is the main part of the meal, i.e. it is the only main course. In this situation, some authorities rule that no blessing is required since the fruit is a meal-type food eaten for the purpose of satiation.<sup>114</sup> Others hold that in order to be exempt from a blessing, the first bite of fruit must be eaten with bread. The combination of the fact that the fruit is the main course and that it is initially eaten with bread is sufficient to remove the blessing obligation.<sup>115</sup> The law tries to take the latter opinion into account by mandating the consumption of some bread together with the first bites of fruit.<sup>116</sup>

At the other extreme is fruit served for dessert. In this context, fruit is being used as

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<sup>110</sup>Tosfos to Brochos, 41b ‘‘i hachi,’’ Beis Yosef 174 states that this is also the opinion of Rashi and Rabbenu Tam

<sup>111</sup>Shulchan Aruch, Orach Chaim, 174:7

<sup>112</sup>Magen Avraham 168:22

<sup>113</sup>Chayei Odom, 43:9, Biur Halacha 168 ‘‘teunim,’’ Kaf HaChaim, 168:49

<sup>114</sup>Rosh brought in Tur, Orach Chaim, 177

<sup>115</sup>Tosfos Ri

<sup>116</sup>Shulchan Aruch, Orach Chaim, 177:3

a refreshing end to the meal. As such, this fruit is more similar to ice cream and jello, and a blessing is certainly required.<sup>117</sup>

Between these two poles is a situation where fruit is eaten as one of the courses of the meal, not the only main course. Here, the fruit is not deemed a meal-type food, and a blessing on the fruit is required. There is a dispute among the authorities with regard to how much fruit must be eaten with bread to avoid the obligation of the blessing. Some hold that as long as the first bite of fruit is accompanied by bread, none of the fruit consumed needs a blessing.<sup>118</sup> Others say that the first and last bites of fruit must be accompanied by bread.<sup>119</sup> Still others maintain that every bite of the fruit must include bread to avoid the blessing obligation.<sup>120</sup> Faced with all these differing opinions, the current practice is to eat the first bite of fruit without bread and make a blessing on the fruit. After this, the rest of the fruit may be consumed either with or without bread.<sup>121</sup>

### 3. Distinction Between Exemption Provided By Bread And Exemption Provided By Primary Foods In General

It is important to note a significant difference between the rules governing the ability of primary foods to exempt secondary foods and the rules governing the ability of bread to exempt foods eaten during a meal. With regard to primary and secondary foods, if, for some reason, the secondary food is deemed to not be covered by the blessing which preceded the primary food,<sup>122</sup> the blessing which comes after the primary food will also not cover the secondary food. Thus,

<sup>117</sup>Beis Yosef 177, Mishna Brura, 177:8

<sup>118</sup>Rosh, Tur, and Mordechai quoted in Beis Yosef 177

<sup>119</sup>Tosfos Ri quoted in Beis Yosef 177, Shulchan Aruch, Orach Chaim, 177:1

<sup>120</sup>Smag and Hagahos Maimonios quoted in Beis Yosef 177

<sup>121</sup>Magen Avraham, 177:3, Mishna Brura 177:10

<sup>122</sup>One example of this would be a situation where the secondary food was not in front of the person at the time he recited the blessing over the primary food nor did he have the secondary food in mind when he recited the blessing over the primary food.

the exemption is all or nothing. Either the secondary food is exempted from the obligation of both the blessing which precedes it and the blessing which comes after it or the secondary food retains both of these obligations.<sup>123</sup>

The same is not true when it comes to bread and foods eaten during a meal. The entire discussion above about which foods eaten during a meal qualify for an exemption relates only to the blessing which normally precedes these foods. Thus, while foods like chicken and meat need not be preceded by a blessing when eaten in the context of a meal that includes bread, one who wishes to eat items such as jello and ice cream must recite a blessing before eating them even if he is in the middle of a meal which includes bread. However, even the jello and ice cream do not require a separate blessing after one finishes eating them. The blessing which comes after the bread covers everything eaten during the meal regardless of whether it had to be preceded by its own blessing.<sup>124</sup>

In explaining the distinction between these two areas of the law, one commentator focused on the unique character of the blessing which comes after bread. The passage in Scripture which teaches about the blessing after bread states: ‘‘You will eat and you will be satisfied, and bless Hashem (name of G-d), your G-d...’’<sup>125</sup> After the fact, all items eaten during a meal contribute to the ultimate satisfaction a person feels. Since Scripture indicates that the blessing following bread comes after one eats and is satisfied, any food which helped provide that satisfaction is included.<sup>126</sup>

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<sup>123</sup>Ketzos HaShulchan, 58:20

<sup>124</sup>Shulchan Aruch, Orach Chaim, 177:1

<sup>125</sup>Deuteronomy, 8:10

<sup>126</sup>Graz, 177:2

## C.

### Wine Exempts Drinks

#### 1. General Rule

Beverages are the final area where a blessing made on one type of food can exempt other types of food with different blessing obligations. More specifically, when one makes the appropriate blessing on wine or grape juice, all subsequent drinks are exempt from their respective blessing obligations.<sup>127</sup> This rule is based on wine's status as the most important of all beverages.

Once again, there are certain rules which qualify this general holding. At least two ounces of the wine must be drunk to take advantage of this rule.<sup>128</sup> Also, either the beverages must be in front of the person at the time he makes the blessing on the wine<sup>129</sup> or he must specifically have these other drinks in mind at the time of the blessing.<sup>130</sup> If neither of these conditions is fulfilled, a new blessing must be recited before drinking other beverages.

Assuming the conditions are met for the blessing on the wine to exempt other beverages, some are of the opinion that items which are secondary to the other beverages are also exempt from their blessing obligations. Thus, if one drinks coffee after the wine and places a sugar cube in his mouth to sweeten the coffee, no blessing would be needed on the sugar cube.<sup>131</sup> The logic is that the sugar is secondary to the coffee which is secondary to the wine. Others hold that one should not rely on the blessing of the wine to exempt anything other than the subsequent drinks themselves.<sup>132</sup>

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<sup>127</sup>Talmud Tractate Brochos 41b

<sup>128</sup>Biur Halacha, 174 'Yayin'

<sup>129</sup>Taz, 174:2

<sup>130</sup>Magen Avraham, 174:11

<sup>131</sup>Responsa of Chasam Sofer on Orach Chaim, 47

<sup>132</sup>Kaf HaChaim, 174:6

2. Where Wine and Other Beverages Fall on the Distinction Discussed Above in  
(B)(3)

In all of these sections dealing with the blessing on one food exempting other foods from their blessing obligations, a ruling that a particular item is subordinate to another has had two implications. First, the subordinate food may be eaten without first reciting its particular blessing. Second, when the individual has finished eating, the subordinate item does not require its own ‘‘after blessing.’’ The ‘‘after blessing’’ of the primary food is sufficient for both items.<sup>133</sup> While these implications were deemed inseparable in the realm of primary and secondary foods, there was a class of foods which when eaten during a bread meal do require a blessing beforehand but are exempted from their ‘‘after blessing’’ obligation by the blessing recited after the bread.

What is the rule with regard to wine and other beverages? If one recites a blessing over wine without other beverages before him and without these other beverages in mind, thereby necessitating the recital of a blessing before partaking of these other beverages, can the ‘‘after blessing’’ of the wine still exempt these other beverages from their ‘‘after blessing’’ obligations? If the relationship between wine and other drinks is like that between primary and secondary foods in general, the answer to this question should be no. However, if the relationship is more similar to that between bread and items eaten during a meal, perhaps the answer should be yes. Some are of the opinion that in this case, the blessing recited after the wine does exempt the other drinks from their ‘‘after blessing’’ obligations.<sup>134</sup> They distinguish between this case and the case of primary and secondary foods in the following way. There is nothing inherent about a food that makes it primary or secondary to another food. The titles of primary and

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<sup>133</sup>This point was mentioned earlier in Section III(A)(1)

<sup>134</sup>Seder Birchas Hanehenin, Chapter 1, Law 21



secondary are simply labels which represent the eater's preferences at a particular time. Since the association between these labels and the food items is so tenuous, an obligation to recite a blessing before partaking of the "secondary" item is enough to relieve it of its secondary status. Once this status has been removed and the item is no longer subordinate to the "primary" food, the "after blessing" of the primary food cannot exempt this item from its obligation. Therefore, a separate "after blessing" is required for this "secondary" item.

On the other hand, there is something inherent about wine that leads to other beverages being subordinate to it. More specifically, wine is viewed by Jewish Law as the most important of drinks. Since the supremacy of wine vis-à-vis other drinks is on such strong footing, the mere fact that one has to recite a blessing before partaking of the other beverage due to a failure to have the beverage in mind at the time he recited the blessing over the wine is not enough to relieve this beverage of its subordinate status. Therefore, this beverage can still be exempted from its "after blessing" obligation by the "after blessing" recited over the wine.<sup>135</sup>

Other authorities reject this distinction between primary and secondary foods on the one hand and wine and other beverages on the other hand. They are of the opinion that the rule with regard to wine and other beverages tracks the rule with regard to primary and secondary foods. Once one is obligated to recite a blessing before partaking of the other drink, the "after blessing" of the wine is no longer effective for the other drink. Instead, a separate "after blessing" must be recited.<sup>136</sup>

#### IV.

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<sup>135</sup>This explanation of the differences between these two cases is provided by the Ketzos Hashulchan, 58:20.

<sup>136</sup>Mishna Brura, 208:72

## A. Introduction

Determination of the proper blessing to recite on any given food is not the only inquiry in which one must engage prior to eating. There are also rules which rank various types of foods in terms of their importance.<sup>137</sup> These rules have two practical applications. First, if one has multiple items in front of him (all with different blessing obligations) and is about to partake from all of them, these rules control the sequence in which he should recite the blessings on these foods. Second, if one has several items before him which are all subject to the same blessing, the blessing need only be recited once to cover all of the items. In this instance, these rules instruct the individual which item to use for the recital of the blessing.

Before exploring how to determine any particular food's ranking, it is important to note that the authorities limit the scenarios to which these rules are applicable. First, a person need only pay attention to these rankings if all the foods are currently before him. If a guest is first served food x and knows that he will soon be served food y, he may make the blessing on food x as soon as it is brought before him even if food y is of greater importance.<sup>138</sup>

Second, even if all of the foods are in front of the person, the rules only apply if the person plans to eat all of the foods. A person is never obligated to partake of a food he was not planning on eating simply because it ranks higher in importance than the food he did want to eat.<sup>139</sup> The rules laid out below govern situations where a person plans on eating multiple foods, all of which are currently before him.

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<sup>137</sup>These rules are discussed in the Talmud Tractate Brachos, 39a, 40b-41b

<sup>138</sup>Rama to Shulchan Aruch, Orach Chaim, 211:5

<sup>139</sup>Mishna Brura, 211:1

B.

### 1. Specificity of Blessing

There are four metrics used to assign any particular food its' importance level. The primary metric is the specificity of the blessing recited before consuming the item. The more specific the blessing, i.e. the fewer types of foods it can cover, the more important the items to which it applies. This is based on the idea that the more detailed a blessing is, the more explicitly it proclaims the existence of Divine intervention in the world.<sup>140</sup> Thus, these blessings should be given precedence.

According to this criterion, the blessings are ordered in the following manner:

‘... Who brings forth bread from the earth.’

‘... Who creates species of nourishment.’

‘... Who creates the fruit of the vine.’

‘... Who creates the fruit of the tree.’

‘... Who creates the fruit of the ground.’

‘... through Whose word everything came to be.’<sup>141</sup>

Therefore, if one is about to eat foods with different blessings, the sequence of his blessings should follow this ordering of priority.

### 2. Mentioned in Scripture to Praise Land of Israel

If one is going to eat two foods from the same blessing category, he must move on to the other

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<sup>140</sup>Levush, 211:3

three metrics used to ascribe degrees of importance to foods. These will instruct him which item to recite the blessing over. The first of these metrics is derived from Scripture. In Deuteronomy, G-d tells the Israelites that he is bringing them to the Land of Israel. G-d describes the land as:

‘‘a Land of wheat, barley, grape, fig, and pomegranate; a Land of oil-olives and date honey.’’<sup>142</sup>

The seven items listed in this passage are known as the species through which the Land of Israel is praised. Their being mentioned in this context is taken as an indication of their importance. Thus, if a person has two foods in front of him, both of which have the same blessing, one of which is on this list and one of which is not on this list, the blessing should be recited over the item that is found on this list.<sup>143</sup> For example, apples and grapes are both preceded by the ‘‘...Who creates the fruit of the tree’’ blessing. One about to partake from both fruits should recite the blessing on the grapes and have intent for the blessing to cover the apples.<sup>144</sup>

Aside from the importance ascribed to the items on this list vis-à-vis other foods, the sequence in which the items are listed is understood to be a ranking of their importance vis-à-vis one another. At first glance, one might take this to mean that the later an item is mentioned in the passage, the less important it is. However, the Talmud<sup>145</sup> teaches that by mentioning the word ‘‘Land’’ twice, the passage meant to establish two ‘‘mini-lists.’’ The importance of an item is determined by its’ proximity to the word ‘‘Land’’ in the passage, not by its’ position in the listing overall. Thus, olives are more important than grapes. Even though

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<sup>143</sup>Shulchan Aruch, Orach Chaim, 211:1

<sup>144</sup>Mishna Brura, 211:2

<sup>145</sup>Tractate Brachos, 41b

grapes are the third thing mentioned overall and olives are the sixth thing mentioned overall, olives are directly adjacent to the word ‘‘Land’’ while grapes are two items removed from the word ‘‘Land.’’

One interesting issue this interpretation leads to is what happens in the case of a tie. More specifically, both wheat and olives are directly adjacent to the word ‘‘Land.’’ Similarly, both barley and dates are one item removed from the word ‘‘Land.’’ Which member of these pairings takes precedence? In these cases, being mentioned earlier in the passage is the deciding factor. Thus, wheat is more important than olives and barley is more important than dates.<sup>146</sup>

The applicability of this tie-breaking rule to slight variations of these pairings is a matter of dispute. We saw earlier that the blessings on bread and on grain products are reserved for items prepared from five specific types of grain: wheat, barley, spelt, oats, and rye.<sup>147</sup> In the passage listing the special species of Israel, wheat and barley are the only two grains mentioned. The Talmud teaches, however, that spelt is a member of the wheat family while oats and rye are members of the barley family.<sup>148</sup> Does the tie-breaking rule which established wheat to be more important than olives also teach that spelt is more important than olives? Similarly, does the tie-breaking rule mean that oats and rye are more important than dates just like barley is more important than dates?

Some understand the tie-breaking rule quite literally. Only actual mention earlier in the passage can be the deciding factor when two items are equidistant from the word ‘‘Land.’’ Thus, olives are more important than spelt while dates are more important than oats and rye.<sup>149</sup> Others

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<sup>146</sup>Tosfos to Talmud Tractate Brachos, 41b: ‘‘Zeh Sheni LaAretz’’

<sup>147</sup>Section II(B)(2)

<sup>148</sup>Tractate Menachos, 70a

<sup>149</sup>Pri Megadim at the end of his commentary to Orach Chaim 211 deduces this from the language of the Shulchan Aruch, Orach Chaim, 211:6

come to the opposite conclusions on these issues.<sup>150</sup> It seems they would understand the tie-breaking rule to provide victory not only for the item mentioned explicitly in the passage but also for all other species in that item's family.

Before laying out a clear statement of the order of importance of the seven items listed in the passage in Deuteronomy, it is important to note a dispute amongst later authorities. Based on the principles established above, it would seem clear that olives are more important than barley. After all, olives are directly adjacent to the word "Land" while barley is one item removed from the word. However, baked barley products are preceded by the "...Who creates species of nourishment" blessing while olives are preceded by the "...Who creates the fruit of the tree" blessing. As we saw earlier, the species of nourishment blessing is considered more specific than and thus more important than the fruit of the tree blessing. Thus, while the "specificity of blessing" metric suggests barley is more important, the "special species of Israel" metric points to olives being more important. Some authorities say that the "special species" argument trumps, and olives are more important.<sup>151</sup> Others follow the specificity of the blessing and deem barley more important.<sup>152</sup> In practice, it seems the latter view has been accepted.<sup>153</sup>

Acceptance of this latter view precludes one from finding himself in a difficult situation identified by proponents of the former view. If the law were that the blessing on olives precedes the blessing on prepared barley products, what would the proper course of conduct be for one who wants to eat olives and a prepared barley product and to drink wine?

He cannot make the blessing on the olives first because the more specific blessing on the wine

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<sup>150</sup>Chayei Adam, 57:8 equates the importance of oats and rye to the importance of barley

<sup>151</sup>Chayei Adam, 57:7, Taz, 211:4, Magen Avraham, 211:13, Pri Megadim at the end of his commentary to Orach Chaim 211

<sup>152</sup>Levush 211:4, Aruch HaShulchan, 211:13, Kaf HaChaim, 211:17

<sup>153</sup>Mishna Brura, 211:25

(‘‘...Who creates the fruit of the vine’’) should come before the less specific blessing on the olives (‘‘...Who creates the fruit of the tree’’). He cannot make the blessing on the barley product first because the blessing on the olives should precede it (due to the ‘‘special species of Israel’’ metric). Finally, he cannot make the blessing on the wine first because the more specific blessing on the barley (‘‘...Who creates species of nourishment’’) should come before the wine’s less specific blessing. Proponents of the rule that olives are more important than barley pointed out this problem without resolving it.<sup>154</sup> However, according to the accepted opinion that barley is more important, this scenario does not present any difficulty. The person should recite the blessing on the barley first since its’ blessing is most specific. The blessing on the wine is more specific than the blessing on the olives and should be recited second. The final blessing would be the one on the olives.<sup>155</sup>

The final order of importance of the seven species used to praise the Land of Israel is as follows:

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<sup>154</sup>Magen Avraham, 211:13

<sup>155</sup>Kaf HaChaim, 211:17

This list has two implications. First, if one is planning to eat a wheat or barley product and one of the fruits listed from 3-7, the ‘‘...Who creates species of nourishment’’ blessing appropriate for the wheat or barley should come before the ‘‘...Who creates the fruit of the tree’’ blessing on the fruit. Second, if one is about to eat a wheat product and a barley product, both of which are subject to the ‘‘...Who creates species of nourishment’’ blessing, the blessing should be recited on the wheat product with the intent to cover the barley product. Similarly, all the fruits listed from 3-7 are subject to the ‘‘...Who creates the fruit of the tree’’ blessing. If one plans on eating more than one of these fruits, the blessing should be recited on the highest ranking fruit with the intent to cover all the lower ranking fruits.

### 3. Whole Items

This section started off exploring the four factors which determine the proper sequence of blessings over different kinds of foods. First we saw that if the foods have different blessings, the specificity of blessing controls. Then we saw that if the foods have the same blessing,



if one of them is listed in Deuteronomy 8:8, the blessing should be made over that item with intent to cover the other item. We then discussed the proper course of conduct for one who plans on eating multiple items listed in Deuteronomy 8:8. The final two metrics of importance control in situations where the items require the same blessing and neither item is listed in Deuteronomy 8:8. These factors are also relevant if both items come from the same one of the seven species listed in Deuteronomy (e.g. a whole loaf of wheat bread and wheat bread which has been sliced, a whole date and a broken date).

Whole items are considered more important than items which have been sliced or are broken.<sup>158</sup>

This is true even if the broken item is of greater quality than the item which is whole.<sup>159</sup>

Thus, if one is planning to eat two types of wheat bread, one of which is whole and the other of which has been sliced, the blessing should be recited on the whole loaf with intent to cover the sliced loaf. Similarly, if one plans on eating a whole pear and an apple which has already been quartered, since both are subject to the “...Who creates the fruit of the tree” blessing, the blessing should be recited on the pear with intent to cover the pieces of apple.

#### 4. Eater's Preference

The final metric is used when both items have the same blessing, and both items are either whole or broken. In cases like this, the item the eater likes better takes precedence. The blessing should be recited over the food the person prefers with intent to cover the food he does not like as much.

The early commentators on the Talmud disagreed about what exactly this factor was coming to assess. According to some, the inquiry is which item the person generally prefers. Thus, even if right now the other item seems more appealing to him, he should recite the blessing

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<sup>158</sup>Shulchan Aruch, Orach Chaim, 168:1

<sup>159</sup>Id.

over the item he usually likes more.<sup>160</sup> Others understood the question to be what the person prefers at this time. General preferences are irrelevant according to this view.<sup>161</sup> Later authorities have decided that the former view should be followed.<sup>162</sup> If a person generally has an equal liking for both items, he should recite the blessing over the item he currently prefers.<sup>163</sup>

## V. How to Deal with Mistakes

### A. Introduction

A person who is about to start eating is supposed to determine the proper blessing for the item he is about to eat, recite that blessing, and then partake of the food. The law deals at length with mistakes the person may make in trying to comply with the above procedure. First, what should the individual do if he forgets to recite the blessing altogether and only remembers once the food is already in his mouth? Second, what happens if the person recites a blessing but it is the wrong blessing? Must the proper blessing be recited or are there certain instances where after the fact, the ‘‘improper’’ blessing can nevertheless exempt the item?

### B. Forgot to Recite a Blessing Altogether

#### 1. Issues

In answering the first question, the commentators find themselves balancing three competing interests. First, and perhaps most basically, the system wants to avoid a person deriving pleasure from this world without blessing G-d beforehand.<sup>164</sup> Second, there is an interest in not wasting any food.<sup>165</sup> Thus, a requirement to remove the food from one's mouth in a scenario

<sup>160</sup>Rabbeinu Asher cited in Shulchan Aruch, Orach Chaim, 211:1

<sup>161</sup>Maimonides in the eighth chapter of his laws of blessings as explained by the Kesef Mishneh, cited as well in Shulchan Aruch, Orach Chaim, 211:2

<sup>162</sup>Chayei Adam, 57:1, Mishna Brura, 211:10

<sup>163</sup>Magen Avraham, 211:13

<sup>164</sup>Tractate Brachos, 36a

<sup>165</sup>This is based on the general Scriptural command not to waste anything that can be used for

where the food will no longer be edible will be avoided. The third interest is based on a passage from Scripture which states:

‘‘My mouth will be full of your (G-d’s) praises.’’,<sup>166</sup>

Interpreting this verse quite literally, the Rabbis derive that it is optimal for one’s mouth to be empty when reciting a blessing. In this way, the person’s mouth is ‘‘full’’ of the praise of G-d.<sup>167</sup>

## 2. Application to Solids

The number of interests implicated and the appropriate balancing thereof depends on the type of food one has accidentally placed in his mouth. If we are dealing with solid food, the first interest of not deriving pleasure from the food prior to blessing G-d is certainly at play. Whether or not the second interest is implicated depends on the specific type of solid food involved. While a person would be willing to put an item like a sucking candy back in his mouth after removing it, he would be considerably less willing to put a chewed up strawberry or grape<sup>168</sup> back in his mouth after removing it. Finally, if possible, it would be best to have the blessing made with an empty mouth.

With these considerations in mind, the rules for solid foods are as follows. If the food can be removed from one’s mouth without becoming repulsive to the person, the food should be removed, the blessing should be recited, and the food should then be eaten.<sup>169</sup> In this way, all three goals are achieved. If the food will become repulsive upon removal, the law states that the

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productive purposes found in Deuteronomy, 20:19.

<sup>166</sup>Psalms, 71:8

<sup>167</sup>Tractate Brachos, 50b

<sup>168</sup>These examples are provided by Mishna Brura, 172:8

<sup>169</sup>Shulchan Aruch, Orach Chaim, 172:2

person should move the food over to one side of his mouth, recite the blessing, and swallow the food.<sup>170</sup> This rule succeeds in achieving the first two goals mentioned above; a blessing is recited prior to deriving pleasure and no food is wasted. The third objective is lost. In this instance, the person recites a blessing with a mouth that is not empty.

### 3. Application to Liquids

In the event one put a drink in his mouth without reciting a blessing, the following considerations are at play. It is not possible for a person to move the drink to one side of his mouth and recite the blessing. People are unable to speak with liquids in their mouth.<sup>171</sup> Also, any obligation to remove the drink from the person's mouth will lead to a waste of the drink; people are generally unwilling to drink things which have already been in their mouths.<sup>172</sup> Thus, we are forced to choose between two imperfect rules. One possibility is for the law to require the person to expel the liquid, thereby keeping the person from deriving any pleasure without reciting a blessing but wasting the drink. The other possibility is to allow the individual to swallow the drink, thereby preventing waste but sanctioning the derivation of pleasure without a blessing.

In choosing between these rules, the law makes the following distinction. If the individual is thirsty and has nothing to drink aside from that which is currently in his mouth, he should swallow the liquid. If the person is not thirsty or if he has other things he can drink, it is better to expel the liquid from his mouth.<sup>173</sup>

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<sup>170</sup>Id.

<sup>171</sup>Reah in his commentary on the Rif to Tractate Brachos, 50b. However, the Mishna Brura, 172:1, does say that if the amount of liquid one took into his mouth is so minimal that speech is possible, one should move the drink to the side of his mouth, recite the blessing, and swallow the liquid.

<sup>172</sup>Rashi to Tractate Brachos, 50b

<sup>173</sup>Magen Avraham, 172:1. The Biur Halacha, 172:1: 'V'aino Mevarech Aleihem' explains that the opinion of the Magen Avraham cited in the text is the best way to deal with this situation. However, he also says that one can be lenient and swallow the drink even in scenarios where he is not thirsty or where he has additional things to drink.

In a case where the law requires the individual to swallow the drink, there is a dispute amongst the authorities about whether the blessing which should have preceded the drink should be recited after the person has swallowed. Some take the position that ‘‘before blessings’’ may only be said before eating. Once a person has swallowed the food, the obligation to recite a ‘‘before blessing’’ no longer exists.<sup>174</sup> Others are of the opinion that the ‘‘before blessing’’ should be recited after the person has swallowed.<sup>175</sup>

Some have questioned the latter view based on a rule in a different area of the laws of blessings. If a person forgets to recite a blessing when he starts eating bread, the appropriate procedure upon remembering depends on when he remembers. If he remembers in the middle of the meal, i.e. he will still be eating more bread, he should recite the blessing before he takes the next bite of bread. However, if he remembers after he has already concluded his meal, no blessing should be said.<sup>176</sup>

In the case we have been discussing, swallowing, as opposed to expelling, the liquid is only appropriate where none of the liquid remains. Thus, the case seems directly parallel to one who forgets to recite a blessing on his bread and only remembers after the meal is over. In neither case will the individual be consuming more of the item over which he forgot to recite a blessing. Since all agree that the law in the case of the bread is that no preceding blessing should be recited after the fact, how could some authorities hold that the preceding blessing should be recited after the fact in the case of the drinks?

The answer to this question lies in a more careful look at the cases at issue. In the case

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<sup>174</sup>Rashi, Rabbeinu Chananel, Maimonides in the eighth chapter of his laws of blessings according to the interpretation of the Beis Yosef. The Shaar HaTziyon, 172:5, cites a longer list of authorities who agree with this view. This view is also adopted by the Shulchan Aruch, Orach Chaim, 172:1.

<sup>175</sup>Rasba in the name of the Raavad, Rabbeinu Asher. This view is also adopted by the Rama to Shulchan Aruch, Orach Chaim, 172:1.

<sup>176</sup>Shulchan Aruch, Orach Chaim, 167:8.

of the bread, we are dealing with someone who first remembers the fact he forgot to recite a blessing after he has finished eating. In this case, all agree that the obligation to recite a ‘‘before blessing’’ no longer exists. However, in the case of the drinks, the person recalls that he forgot to recite the blessing while the drink is still in his mouth. Since the individual remembers before swallowing, at that point he incurs the obligation to recite a ‘‘before blessing.’’ The only reason he does not recite it is a practical one; it is impossible to do so with liquid in his mouth. The authorities who require the person to recite the blessing after swallowing hold that this obligation, once incurred, can still be fulfilled after the drink has been consumed. This scenario is different from the case of the bread where due to the individual’s failure to remember until after he had finished eating, the obligation was never incurred.<sup>177</sup>

C.

#### 1. Introduction

The other type of mistake a person can make applying the laws of blessings is reciting a blessing other than the one instituted by the Rabbis for the food item the person is about to eat. At the outset, it is important to understand that there are myriad permutations of this fact pattern. More specifically, there are many different kinds of food, each of which is appropriately preceded by only one of the six different kinds of ‘‘before blessings’’ instituted by the Rabbis. Recital of any one of the five inappropriate blessings places a person within this area of the law. Also, the law with respect to whether an inappropriate blessing is valid after the fact on

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<sup>177</sup>Mishna Brura, 172:4

any given food item often depends on which ‘‘inappropriate’’ blessing was said.

## 2. Foundational Cases

Cases of this type are first discussed in the Talmud. The Rabbis taught that when the blessing ‘‘...through Whose word everything came to be’’ is accidentally recited over any item subject to one of the other five ‘‘before blessings,’’ the blessing is valid. There is no need to recite the appropriate blessing after realizing the mistake.<sup>178</sup> The explanation offered by the commentators focuses on the meaning of the blessing. Since ‘‘...through Whose word everything came to be’’ is a general statement which includes within its scope any food item, it can serve as a valid blessing for any food item after the fact.

The other case discussed in the Talmud is one who mixes up the blessings over fruits of the tree and fruits of the ground. If the fruit should be preceded by the tree blessing and the person accidentally recites the ground blessing, there is no need to correct the mistake.<sup>179</sup> The reason for this is that since trees grow from the ground, fruits of the tree are also fruits of the ground. Thus, ‘‘...Who creates the fruit of the ground’’ can apply to tree fruits as well.<sup>180</sup> However, if someone mistakenly recites the tree blessing on a fruit which should be preceded by the ground blessing, the mistake must be corrected.<sup>181</sup> Fruits of the ground are not fruits of the tree; therefore, they cannot be covered by the tree blessing.

## 3. Building on this Foundation

Authorities dispute the appropriate lesson to be learned from these two cases. Some see the Talmud as providing an exclusive list of the instances in which an inappropriate blessing is valid after the fact. They reason that if there were other times mistaken blessings are valid,

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<sup>178</sup>Talmud Tractate Brachos, 40a

<sup>179</sup>Id.

<sup>180</sup>Mishna Brura, 206:1

<sup>181</sup>Talmud Tractate Brachos 40a

the Talmud would have listed them as well. According to this view, with the exception of the two cases mentioned in the Talmud, any blessing which is inappropriate for the food over which it was recited is invalid. The appropriate blessing must be recited before eating.<sup>182</sup>

The vast majority of commentators learn a different lesson from the cases discussed in the Talmud. They see the Talmud's list as illustrative rather than exclusive. According to these authorities, the cases of the Talmud establish a general principle to follow in determining whether an inappropriate blessing is valid after the fact. If the language of the blessing recited is broad enough to read on the item the person is about to eat, the blessing is valid. If the language cannot be read to include the item at issue, the blessing is invalid, and the appropriate blessing must be said.<sup>183</sup> The complexity in applying this rule stems from the need to determine exactly how broad the language of any given blessing is.

#### 4. Application to Actual Cases

##### a. "...Who brings forth bread from the earth"

Since this blessing explicitly mentions the word "bread," it is considered to be fairly narrow in scope. If it is mistakenly recited over most foods, the blessing is not valid.

There is only one group of foods over which a mistakenly recited "...Who brings forth bread from the earth" will be valid. Earlier, in the context of defining the boundary between bread and other grain products which should be preceded by the "...Who creates species of nourishment" blessing, we saw that in order to be deemed "bread," a food needs three characteristics.

First, it has to be made from one of five specific types of grain (wheat, barley, spelt, oats,

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<sup>182</sup>Aruch HaShulchan, 202:1

<sup>183</sup>Ritva in his Hilchos Brachos, 2:14. According to these authorities, these are the principles which animate the laws in both cases mentioned in the Talmud. Since the "...through Whose word everything came to be" blessing is so generic, it can be read on any item the person is about to eat. Therefore, it is valid with regard to all foods. Similarly, while "fruits of the ground" is broad enough to include "fruits of the tree," "fruits of the tree" cannot include "fruits of the ground." Thus, a substitution of the word "ground" when "tree" was called for leaves the blessing valid while the converse is not true.



or rye). Second, it must have been prepared by baking. Finally, it needs to be something which people generally eat as the main part of a meal.

The authorities identified three categories of food which satisfy the first two conditions but fail to meet the third condition. These were baked grain products that were either filled with sweet things (pies), kneaded with things other than/in addition to water (fruit juice, honey, sugar), or of a hard consistency (crackers). Since none of these items are generally eaten as the main part of a meal, they should be preceded by the ‘‘...Who creates species of nourishment’’ blessing.

However, if a person eats one of these items in a meal-like manner, the ‘‘before blessing’’ switches to ‘‘...Who brings forth bread from the earth.’’ Since the only reason these items are generally not considered ‘‘bread’’ is that they typically do not constitute the main component of a meal, in a situation where they do, ‘‘bread’’ status is achieved.<sup>184</sup>

Based on these rules, many are of the opinion that a ‘‘...Who brings forth bread from the earth’’ blessing recited over things like pies, cakes, and crackers is valid even if the person is not planning on eating the item in a meal-like fashion. The fact that these foods can achieve the status of bread when eaten in a certain manner shows that there is nothing inherent about these foods which leaves them outside the scope of the term ‘‘bread.’’ Therefore, one may partake of these items after accidentally reciting the ‘‘...Who brings forth bread from the earth’’ blessing.<sup>185</sup>

b. ‘‘...Who creates species of nourishment’’

While ‘‘...Who creates species of nourishment’’ was designated by the Rabbis as the appropriate blessing for grain products other than bread, later authorities have pointed out that if it

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<sup>184</sup>See Section (II)(B) for a discussion of these laws in greater detail.

<sup>185</sup>Maamar Mordechai, 168:18, Nishmas Adam, 58:1, Kitzur Shulchan Aruch, 56:1

is mistakenly recited over other foods, it is almost always valid.

This conclusion is based on a rule found in a different realm of Jewish Law, the laws pertaining to vows. The Talmud teaches that one who makes a vow not to partake of anything which has ‘‘nourishing qualities’’ will break his vow by consuming anything other than salt or water. These two foods are the only ones not included in the term ‘‘nourishment.’’<sup>186</sup> From here, these later authorities deduce that ‘‘species of nourishment’’ is a very broad formulation. It can include anything other than water and salt.<sup>187</sup> Therefore, if this blessing is mistakenly recited over any item aside from water or salt, it is valid.<sup>188</sup>

c. ‘‘...Who creates the fruit of the vine’’

This blessing was instituted by the Rabbis specifically for wine. However, if it is accidentally recited over any other ‘‘fruit of the vine,’’ it is valid. Therefore, one who recites this blessing before eating grapes<sup>189</sup> or raisins<sup>190</sup> has fulfilled his obligation.

d. ‘‘...Who creates the fruit of the tree’’

As mentioned earlier, the Talmud teaches that this blessing is invalid if it is accidentally recited before eating a fruit of the ground. Since fruits of the ground do not grow on trees, this blessing would be inaccurate and therefore ineffective.<sup>191</sup>

The only food over which the accidental recital of the ‘‘...Who creates the fruit of the tree’’ blessing is valid is wine.<sup>192</sup> A careful comparison of this blessing and the blessing which should precede wine, ‘‘...Who creates the fruit of the vine,’’ leads to this conclusion. Wine’s blessing shows that the Rabbis saw fit to refer to wine as a ‘‘fruit’’ because of its close

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<sup>186</sup>Talmud Tractate Eiruvin, 26b

<sup>187</sup>Kesef Mishne in his commentary to the laws of blessings of Maimonides, 1:2

<sup>188</sup>Chayei Adam, 58:3, Biur Halacha, 167:10: ‘‘B’makom,’’ Kaf Hachaim, 206:6

<sup>189</sup>Shulchan Aruch, Orach Chaim, 208:15

<sup>190</sup>Graz in Seder Birchas Hanehenin, 1:16

<sup>191</sup>Talmud Tractate Brachos, 40a

<sup>192</sup>Mishna Brura, 208:70. While the Mishna Brura notes that this law is the subject of dispute, he notes that one should be lenient.

connection to grapes. Coupling this with the fact that vines are a type of tree means that ‘‘fruit of the tree’’ is broad enough to encompass wine. Similarly, since trees grow from the ground, ‘‘...Who creates the fruit of the ground’’ would also be valid if accidentally recited before drinking wine.<sup>193</sup>

e. ‘‘...Who creates the fruit of the ground’’

Earlier, we saw that when this blessing is recited before eating any fruit of the tree, it is valid. Since trees grow from the ground, this blessing covers a tree’s fruits. Based on this logic, it is also true that if a person has two fruits in front of him, one of which should be preceded by the tree blessing and the other of which should be preceded by the ground blessing, the person can just recite the ground blessing with intent to cover both fruits.<sup>194</sup>

One additional application of this idea is in a case where one is unsure about the proper blessing to recite on a particular fruit. The individual should recite ‘‘... Who creates the fruit of the ground.’’ In this way, he knows the blessing will be effective.<sup>195</sup>

A harder question is whether this blessing is valid when recited before eating bread or other grain products. Some are of the opinion that since grains such as wheat and barley are products of the ground, ‘‘...Who creates the fruit of the ground’’ is valid as to all grain products.<sup>196</sup>

Others disagree. While they do not dispute the fact that wheat and barley are products of the ground, they hold that once the grain has been processed into something like bread, cake, or pretzels, it is inaccurate to refer to the finished product as a ‘‘fruit.’’<sup>197</sup>

f. ‘‘...through Whose word everything came to be’’

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<sup>193</sup>Yechave Daas, 6:13

<sup>194</sup>Rabbeinu Yonah in his commentary to Talmud Tractate Brachos 41a, Shulchan Aruch, Orach Chaim, 206:2.

<sup>195</sup>Shulchan Aruch, Orach Chaim, 206:1

<sup>196</sup>This opinion is suggested by the Kesef Mishne in his commentary to the laws of blessings of Maimonides, 4:6. It is adopted by the Nishmas Adam, 58:2.

<sup>197</sup>Ritva, Hilchos Brachos, 2:16

As mentioned earlier, the Talmud teaches that by virtue of the generic nature of this pronouncement, it can serve as a valid blessing for any item of food.<sup>198</sup>

## VI. How Broad is the Coverage Provided by a Blessing?

### A. The Power of Specific Intent

Once a person has recited a blessing which has the ability to cover the item he is about to eat, the next issue he confronts is the breadth of this blessing's coverage. For instance, imagine someone is presented with a platter of vegetables all of which require the blessing '...Who creates the fruit of the ground.' If the person recites the blessing over a red pepper and later decides to have some cucumbers, is the person obligated to recite the blessing again?

First, and perhaps most simply, if the person, at the time of the original blessing, specifically intends for the blessing to cover all foods that could be covered by that blessing, the blessing need not be repeated when foods are eaten later.<sup>199</sup> Also, even if the person does not have in mind that his blessing cover subsequent foods, but simply plans on eating those foods at the time of the original blessing, the foods eaten later do not require a separate blessing.<sup>200</sup> Some authorities hold that even if the person did not consider eating additional foods at the time he uttered the blessing, as long as he thought of these foods within three seconds of completing the blessing, the foods are covered by the original blessing.<sup>201</sup>

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<sup>198</sup>Tractate Brachos, 40a

<sup>199</sup>Rama to Shulchan Aruch, Orach Chaim, 206:5, Magen Avraham, 206:7

<sup>200</sup>Shulchan Aruch HaRav, 206:9, Tur, Orach Chaim, 174 in the name of the Rosh.

<sup>201</sup>Halachos Ktanos, 1:140

Authorities point to only two situations where an intent to have the blessing cover all foods subsequently eaten would not be effective. They are both based on the fact that a person could not have had any expectation of consuming the later eaten food at the time he made the blessing. First, if while a person is eating in his home, a friend unexpectedly comes to visit and brings some food with him, that food would not be included in the originally recited blessing. Since the arrival of this food was entirely unanticipated, even the broadest of intentions cannot exempt it from a blessing obligation.<sup>202</sup> Second, even with regard to food which is in a person's house at the time of his blessing, if the food needs to be cooked or baked before it can be eaten, it is not exempted from its blessing obligation. The extensive preparation required before these items can be consumed keeps them outside of the person's intentions.<sup>203</sup>

Having discussed the ability of intent to make a blessing more inclusive, it is important to point out that intent can also limit the coverage of a blessing. Thus, if the person has in mind at the time of his blessing that he plans to only eat red peppers, a later decision to have some cucumbers would generate a new blessing obligation.<sup>204</sup>

#### B. Implicit Intent

There are a few other situations where although actual intent to cover items eaten later is lacking, it can be inferred from the circumstances. Thus, in these cases as well, no new blessing is required when the person does eat these items.

If a person often eats certain items in sequence, his custom can be used to establish an implicit intent at the time of the blessing on the first item. For instance, if one frequently has a snack consisting of an apple and a grapefruit, the ‘...Who creates the fruit of the tree’

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<sup>202</sup>Shulchan Aruch, Orach Chaim, 177:5

<sup>203</sup>Kaf HaChaim, 168:18

<sup>204</sup>Mishna Brura, 174:18

blessing he recites on the apple will cover the grapefruit even if he was not explicitly thinking about eating the grapefruit on any specific occasion.<sup>205</sup>

Earlier, we learned that the blessing on bread made at the beginning of a meal has the ability to cover many of the foods eaten during that meal. This is true even if the person has no plans about what else he will be eating at the time he makes the blessing on the bread.<sup>206</sup> The rationale for this rule is that a person eating a formal meal often eats many things which he was not thinking about at the time the meal started. Thus, there is an implicit intent to cover any item the bread's blessing is capable of covering.<sup>207</sup>

Another scenario where intent is implicit is that of a guest being served by his host. When the guest makes a blessing on the first item brought before him, he has no way of knowing what items may be brought subsequently. His intent is basically to rely on the service of his host. Therefore, his original blessing has the power to cover all subsequent foods brought by his host.<sup>208</sup>

### C. Presumptions Which Operate in the Absence of Intent

Having seen that intent can both broaden and narrow the coverage of a blessing, we must discuss the rules applicable when a person has no intent. Since such a person has failed to set the parameters of his blessing, a set of presumptions operates to establish the blessing's boundaries.

#### 1. Items Before the Person at the Time of Recital

First, any items that were in front of the person at the time he made the blessing are, generally speaking, covered. For instance, in the vegetable platter example, even if the person had

<sup>205</sup>Magen Avraham, 212:2, Mishna Brura, 212:4

<sup>206</sup>Shulchan Aruch, Orach Chaim, 177:4, Mishna Brura, 177:18

<sup>207</sup>These laws were discussed earlier in Section III(B).

<sup>208</sup>Shulchan Aruch, Orach Chaim, 179:5, Mishna Brura, 179:17. Although the Taz disagrees with this ruling of the Shulchan Aruch and contends that the guest must make a new blessing on later items, the Shaar HaTziyon, 179:23 quotes many authorities who side with the Shulchan Aruch.

no intent at the time he made the blessing on the red pepper, none of the vegetables on the platter would require a new blessing. Although there was no explicit intent to include these items, the law establishes a form of constructive intent with regard to things which were before the person at the time of the blessing.

There is one scenario, however, where this constructive intent does not operate. A set of rules which rank foods in terms of their importance play a role in various areas of the laws of blessings.<sup>209</sup> Here, the law is that absent actual intent, a blessing recited over a less important item will not cover a more important item even if that item was before the person at the time of the blessing. The authorities consider it inappropriate to use constructive intent to exempt a more important food from its blessing obligation. Thus, a new blessing would be needed if one wanted to eat this more important food.<sup>210</sup>

One case that illustrates this exception to the rule of constructive intent is a fruit platter including orange slices and grapes. Both of these foods should be preceded by the “...Who creates the fruit of the tree” blessing. However, by virtue of their mention in Scripture as one of the species through which the Land of Israel is praised, grapes are considered to be of greater importance than oranges. Therefore, where one recites the blessing over an orange slice without specific intent to include the grapes, should the person decide to eat grapes, a new blessing will be required notwithstanding the fact that the grapes were in front of him at the time he made the original blessing.

## 2. More of Same Food

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<sup>209</sup>See Section IV for a detailed discussion of these rules and the rationale behind them. In Section IV, the rules were being used: 1) to establish the proper sequence of blessings to recite when one is about to partake of various foods with different blessing obligations and 2) to dictate which food one should recite the blessing over when one plans on eating multiple foods subject to the same blessing.

<sup>210</sup>Rashba to Talmud Tractate Brachos, 41a: “u’linyan psak halacha”

The presence of a food in front of the individual at the time he made a blessing is generally sufficient to establish constructive intent to include that item. If the food was not before him, the following factors determine when the law will say constructive intent existed to cover the later item.

If the food brought later is more of the food upon which the blessing was originally made (i.e. after making a blessing on one orange, you take another orange out of the refrigerator), no new blessing is required.<sup>211</sup> The rationale for this rule is that it is commonplace for one to decide to eat more of an item than he originally planned on eating. Based on this rationale, some have noted that the subsequently eaten food must be exactly the same as the previously eaten food. If one made a blessing on a cucumber without any specific intent to cover other items, a decision to eat a pickle would require the recital of a new blessing. Since it is not common for one to eat pickles after cucumbers, constructive intent is lacking.<sup>212</sup>

### 3. Different Food

If the second food is different in kind from the first food (i.e. an apple after an orange), the need for a new blessing depends on whether any of the food in front of the individual at the time he made the original blessing is still before him. If it is (i.e. when the person gets the apple, he has not yet finished the orange), the original blessing is considered to still be in force and no new blessing is needed. However, if none of the food present at the outset remains, a new blessing will be needed.<sup>213</sup>

There is one situation, however, where even if some of the original food remains, one is obligated to make a new blessing on the subsequent food. If the food brought later is in a different state than the food originally eaten, i.e. the first food was a solid and the second food

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<sup>211</sup>Tur, Orach Chaim, 206

<sup>212</sup>Piskei Tshuvos, 206:71

<sup>213</sup>Mishna Brura, 206:22, Aruch HaShulchan, 206:11



a liquid or vice-versa, a new blessing is needed notwithstanding the fact that some food remains.<sup>214</sup>

One commentator raises a question, the answer to which requires a deeper understanding of this rule that as long as the foods are in the same state, if some of the original food remains, no new blessing is needed on the later eaten food. If someone recites a blessing over an orange without any specific intent to include other items and then decides to eat an apple, as long as some of the orange remains, no new blessing is needed on the apple. However, what would the rule be if the person then decides to eat a peach? If some of the orange still remains, the answer is easy; no new blessing would be needed. The answer is similarly easy if both the orange and the apple have been completely consumed; a new blessing would be needed. However, what would the law be in a case where the orange has been eaten but part of the apple remains? When the law states that the apple does not need a new blessing if part of the orange remains, what does it mean? If it means that the apple takes on the characteristics of the orange, i.e. it has the ability to extend the original blessing's coverage by being present when subsequent fruits are consumed, the peach would not need a new blessing. However, perhaps all the law means to say is that the apple itself does not require the recital of a new blessing. Maybe only the orange has the ability to extend the original blessing's coverage. If this is the proper understanding, the peach would require a new blessing. The resolution of this question requires further study.<sup>215</sup>

#### D. Comparison Between These Laws and the Laws Governing Wine's Ability to Exempt Other Drinks

Authorities have pointed out a seeming discrepancy between the laws discussed in this section

<sup>214</sup>Magen Avraham, 206:7, Mishna Brura, 206:21

<sup>215</sup>Aishel Avraham

and the laws discussed earlier about the blessing on wine having the ability to exempt other beverages from their blessings. In the context of wine, we learned that the blessing made on the wine can only exempt other drinks if one of two conditions is fulfilled. At the time the blessing is made, either the person must have the other drinks in mind or the drinks must be in front of him.<sup>216</sup> Here, however, we have seen that even if neither of these conditions is fulfilled, the original blessing can cover subsequent items. More specifically, even when intent is lacking and the foods were not in front of the person at the time of the blessing, the blessing can cover later items provided that some of the original food remains. How come there is no similar provision in the laws regarding wine?

Some commentators have explained this disparity based on a fundamental difference between the two situations. In the case of wine, we are talking about the blessing on wine exempting drinks over which a different blessing would normally be said. While the blessing on wine is ‘‘...Who creates the fruit of the vine,’’ the other drinks would typically require a ‘‘...through Whose word everything came to be’’ blessing. Here, we are discussing the ability of a blessing first recited over one food to cover another food over which the originally recited blessing is normally appropriate. Both apples and oranges generally require a ‘‘...Who creates the fruit of the tree’’ blessing. At issue in this section has been the power of the blessing said on the apple to cover the subsequently eaten orange.

The stronger connection between the foods in this section, as evidenced by their sharing the same blessing obligation, leads to the leniency that as long as some of the first food remains, no new blessing is required. In the case of wine, where this connection is lacking, only intent or having the drinks in front of you at the time of the blessing provides for the exemption

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<sup>216</sup>These laws were discussed in Section III(C).

of the later items.<sup>217</sup>

## VII. Termination of a Blessing's Effect

### A. Ending the Eating Session

In the previous section, we looked at the factors which determine the breadth of a blessing's coverage. The discussion focused on when a person who wishes to continue eating can rely on the coverage of his original blessing. There is a different set of laws with regard to one who brings his eating session to a close. When this is done, a new blessing is required for any subsequent eating. The complexity in this area of the law flows from an attempt to determine when a given eating session has actually been concluded.

#### 1. Recital of an After Blessing

Aside from the blessings one is obligated to recite before eating food, there are blessings to be said after one completes eating. The recital of one of these blessings generally constitutes the conclusion of an eating session. A decision to eat more food would generate a new blessing obligation.<sup>218</sup>

This law is somewhat complicated by the fact that, similar to the blessings which precede eating, the blessings which follow eating vary based on the type of food consumed. For instance, cookies and milk are subject to different 'after blessing' obligations. If one recites the blessing which is supposed to follow cookies, while he has terminated his eating session with respect to cookies, he has not terminated his drinking session with respect to milk. Thus, while a decision to eat more cookies would require the recital of a new blessing, a decision to drink

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<sup>217</sup>Beur Mordechai, 6:104, 6:65

<sup>218</sup>Mishna Brura, 190:1, Shulchan Aruch HaRav, 190:7

more milk would not.<sup>219</sup>

Even with respect to foods that are subject to the same ‘‘after blessing’’ obligation, some are of the opinion that a person can limit the terminating effect of his ‘‘after blessing.’’ For example, consider a person who has been eating apples and oranges, two foods which are followed by the same blessing. One who recites this blessing does not necessarily bring his eating session to a close with respect to both fruits. If he has only the apples in mind at the time he recites the ‘‘after blessing,’’ the eating session with respect to oranges continues. Thus, while the further consumption of apples would require a new blessing, the further consumption of oranges would not.<sup>220</sup>

Some commentators use a person’s ability to limit the terminating effect of his ‘‘after blessing’’ to answer a seeming difficulty. Generally speaking, when one recites an ‘‘after blessing,’’ remnants of the food remain in his mouth. When these remnants are later swallowed, there is no obligation to recite a new blessing. Some have questioned this rule. After all, if recital of the ‘‘after blessing’’ ends the eating session, this later swallowing should constitute the beginning of a new eating session; a new blessing should be needed.

These commentators explain that when an ‘‘after blessing’’ is said, the person only intends

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<sup>219</sup>Daas Torah, 178:6. The Piskei Tshuvos, 179:27, expresses some apprehension about the operation of this rule in practice. He points out that many people are unaware of this rule and therefore assume that the recital of any after blessing automatically brings the entire eating session to a close. This assumption, although mistaken, leads the person to decide not to drink any more milk once he recites the after blessing on the cookies. This decision, in and of itself, is enough to terminate the drinking session and require the recital of a new blessing should the person decide to drink more milk. Thus, he concludes that this rule about an after blessing only ending the eating session with respect to the specific items to which it applies may not be a practical one.

<sup>220</sup>Piskei Tshuvos, 179:28. The Pri Megadim, 207:1, disputes this ruling and holds that recital of an after blessing automatically constitutes the end of the eating session with respect to all foods that are subject to that particular after blessing.

to end his eating session with respect to food that is newly placed into his mouth. He has no intention to end the session with respect to food that is already in his mouth that has not yet been swallowed. Since he knows that these particles of food will ultimately be swallowed, he does not mean to subject them to the terminating effect of his ‘‘after blessing.’’ Therefore, no new blessing is required when they are swallowed.<sup>221</sup>

One final instance where the recital of an ‘‘after blessing’’ may not constitute the conclusion of an eating session is a case where one recites the concluding blessing without thinking about the fact that he still plans on eating. Here, some authorities hold that the concluding blessing was said in error and as long as the individual did intend to keep on eating, no new blessing is required.<sup>222</sup> Others view the recital of a concluding blessing as bringing any eating session to a definitive close. Thus, subsequent eating would need new blessings.<sup>223</sup> This dispute has not been resolved.<sup>224</sup>

## 2. Preparations to Recite an After Blessing

The law in this area also deals with cases where instead of actually reciting the ‘‘after blessing,’’ the person simply prepares to recite it. Commentators struggle to determine which forms of preparation can serve as proof that the eating session has ended.

### a. Hand Washing

Prior to reciting the final blessing after a bread meal, there is an obligation to wash one’s hands.<sup>225</sup> Generally speaking, the final blessing comes immediately after this hand washing.

<sup>221</sup>Vzos Habracha, Chapter 20, Paragraph 9 in the name of the Chazon Ish zt’’l

<sup>222</sup>Magen Avraham, 190:3, Chayei Adam, 49:14

<sup>223</sup>Bigdei Yesha and Maamar Mordechai quoted in Biur Halacha to Orach Chaim 190: ‘‘Yevarech’’

<sup>224</sup>Biur Halacha to Orach Chaim 190: ‘‘Yevarech’’

<sup>225</sup>Shulchan Aruch, Orach Chaim, 181:1. As an aside, there are two reasons for this practice. First, a person’s hands may be soiled from the meal. Prior to making a blessing, he should clean them. Second, at the time this rule was instituted, there was a certain type of salt used in preparing foods which would blind people if it got into their eyes. In order to make sure that no one had any of this salt on his hands as he left his meal, he would wash his hands. Mishna Brura, 181:1

In fact, one is not even supposed to talk in between the washing and the blessing.<sup>226</sup> Since the linkage between the washing and the blessing is so tight, the washing itself is deemed a conclusive end to the meal, and any subsequent eating would require the recital of a new blessing.

b. Declaration of Intent to Recite After Blessing

The Talmud<sup>227</sup> records a story in which certain Rabbis said ‘‘Let us recite our final blessings’’ and then decided to drink some more. In the story, the Rabbis were obligated to make a new blessing on the drinks. Early authorities differ about the lesson to be learned from this story. Some say that whether one decides to drink more or to eat more after announcing his intention to recite a final blessing, a new blessing is needed.<sup>228</sup> Others say that the rule to be extracted from the story applies only to drinks. If one eats after declaring his intention to say a final blessing, a new blessing is not required.<sup>229</sup> The rationale provided to distinguish eating is that it is commonplace for one to sit down planning to eat a small amount of food and end up eating a much larger quantity. Thus, the announced intention to conclude the meal is not accorded much weight with regard to subsequent eating.

In practice, since the law is a subject of widespread dispute<sup>230</sup>, one is supposed to try to avoid the situation by not eating after declaring his intention to recite a final blessing.<sup>231</sup> This discussion of the rule for decisions to eat or drink after an announced intention to recite a final blessing applies only to one who was trying to conclude a fixed meal. When, in the middle of eating a snack (to be distinguished from a meal by its’ relative lack of formality

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<sup>226</sup>Bach on Tur, Orach Chaim, 181 in the name of the Arizal

<sup>227</sup>Tractate Pesachim, 103b

<sup>228</sup>Rabbeinu Asher

<sup>229</sup>Rabbeinu Yonah, Rabbeinu Nissim

<sup>230</sup>Biur Halacha to Orach Chaim 179: ‘‘Ain Tzarich Levarech’’

<sup>231</sup>Mishna Brura, 179:9 also quoting the Derech HaChaim

and brevity), one states his intent to recite the appropriate concluding blessing, all authorities agree that a new blessing is required for subsequent consumption. Since the rationale about a small meal turning into a big meal does not apply to snacks, a person's stated intention is conclusive.<sup>232</sup>

Another scenario where the rationale about a small meal becoming a big meal does not apply is when one declares his intention to recite a concluding blessing and leaves the place in which he was eating.<sup>233</sup> Since he has changed places, his intention to conclude his meal is given greater legitimacy.<sup>234</sup> Thus, if he does decide to continue eating, a new blessing would be needed.

Later authorities equate a stated intention to recite a concluding blessing with a mental or verbal decision to stop eating. Thus, the same rules would apply.<sup>235</sup>

All of these rules governing stated intentions to recite concluding blessings and verbal/mental intentions to stop eating apply only to a person eating in his own home and serving himself.

A guest at someone else's house<sup>236</sup> or a person being served in his own house by his spouse or his children<sup>237</sup> is subject to a different standard. More specifically, in these two scenarios, a stated intention to recite an "after blessing" or a decision to stop eating is not enough to terminate an eating session. Subsequent eating would not require a new blessing. In these cases, termination is only effected by a decision which expressly considers the fact that the host or his spouse may still plan on bringing him additional food. He has to either state or have in mind that even if additional food is brought, he does not wish to partake of it.

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<sup>232</sup>Seder Bircos Hanehenin, 5:1, Chayei Adam, 59:7,8

<sup>233</sup>Rama to Orach Chaim, 178:2 in the name of the Rashba and Beis Yosef

<sup>234</sup>Biur Halacha to Orach Chaim 178: "Im Hisiach Daato"

<sup>235</sup>Biur Halacha to Orach Chaim 179: "Vaafilu," Mishna Brura, 179:6

<sup>236</sup>Shulchan Aruch, Orach Chaim, 179:2, 179:5

<sup>237</sup>This extension from the case of the guest is based on the rationale provided for the guest rule in the Aruch Hashulchan, 179:6

Only then will a decision to continue eating require the recital of a new blessing.<sup>238</sup>

The reason for this distinction is that one who is being served by others does not know what food he will be served. Therefore, a decision to stop eating or to recite a concluding blessing is generally speaking not an informed one. In this context, the law only accords weight to the eater's decision if there is a clear indication he has considered the fact that additional desirable food may still be brought before him and nonetheless decides to stop eating.<sup>239</sup>

### 3. Sleep

In addition to the cases described until now where a person's acts were related in some direct way to whether he intended to stop eating, the law also discusses situations where the activity at issue has no direct bearing on whether the meal has been concluded. The primary example of this is sleep.

There is a distinction between sleeping and napping with regard to these rules. While one who naps during his meal need not recite a new blessing after waking up<sup>240</sup>, one who goes to sleep is obligated to recite a new blessing after waking up.<sup>241</sup> For the purposes of this rule, napping means falling asleep while sitting whereas sleeping entails getting into a bed.<sup>242</sup> The reason behind this distinction is that a nap often occurs inadvertently whereas a decision to get into bed is seen as evidence of intent to end the meal.

### B. Change of Location

The last section dealt with one way of bringing the coverage of a blessing to a close, deciding after the blessing was made to end the eating session. There is a second way to effect a termination of a blessing's effectiveness. The Talmud states that a change of location constitutes the

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<sup>238</sup>Mishna Brura, 179:10

<sup>239</sup>Aruch Hashulchan, 179:6

<sup>240</sup>Shulchan Aruch, Orach Chaim, 178:7

<sup>241</sup>Mishna Brura, 178:48 from the Graz and the Chayei Adam

<sup>242</sup>Kaf HaChaim, 178:39



conclusion of any eating that was taking place and new blessings are needed before any further consumption.<sup>243</sup> This is true whether the person resumes eating in the new place or returns to his original place to continue eating.<sup>244</sup>

#### 1. What Constitutes a Change of Location?

Perhaps the most fundamental issue to discuss in fleshing out this rule is the definition of a change of location. If one leaves the house in which he started eating, all authorities agree that a change of location has occurred and a new blessing is needed for any subsequent eating. In this case, it is of no relevance that the person planned on leaving the house at the time he recited the original blessing.<sup>245</sup> Also, many hold that a new blessing is required regardless of how brief the period of time the person spent outside.<sup>246</sup> While some do impose a minimum time requirement in order to constitute a change of location<sup>247</sup>, common practice is to follow the former view.

Some authorities view movement from one room to another in the same house as a change of location subject to the requirement to recite a new blessing for further eating.<sup>248</sup> The only times this would not be true, according to these authorities, is if the person had the movement to other rooms in mind at the time he recited the blessing<sup>249</sup> or if the original room is visible from the room to which he moved.<sup>250</sup> Others hold that as long as one stays in the same house, no change of location has occurred, regardless of intent and visibility.<sup>251</sup> The common custom

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<sup>243</sup>Tractate Pesachim, 101b

<sup>244</sup>Mishna Brura, 178:2

<sup>245</sup>introduction of Mishna Brura to Orach Chaim, 178

<sup>246</sup>Chayei Adam, 59:2

<sup>247</sup>Aruch HaShulchan, 178:2 explaining the position of Maimonides in the fourth chapter of his laws of blessings

<sup>248</sup>Tosfos and Rabbeinu Asher to Tractate Pesachim 101b, Opinion of Maimonides as explained by the Bais Yosef to Tur, Orach Chaim, 178, Magen Avraham, 178:4 (Biur Halacha to Orach Chaim 178: 'B'Bayis Echad')

<sup>249</sup>introduction of Mishna Brura to Orach Chaim, 178

<sup>250</sup>Mishna Brura, 178:12

<sup>251</sup>Opinion of Maimonides as explained by the Hagahos Maimonios in the twenty ninth chapter of his

is in accordance with the latter view, and therefore no new blessing is made after moving from one room to another.<sup>252</sup>

A harder question is posed by one who moves from one apartment to another within an apartment building. While some authorities view this as a movement from one house to another, others compare it to moving from one room to another within one house. The dispute focuses on why moving from one room to another is generally subject to a different rule than moving from one house to another. According to one view, moving between rooms is special because all of the rooms are under the same roof. Extending this rationale to an apartment building would lead to the conclusion that movement between apartments is also special; no new blessing would be needed.<sup>253</sup> Others are of the opinion that the reason movement between rooms within one house is special is that the person remains in one person's domain throughout. According to this understanding, moving between apartments is more properly compared to moving from one house to another. Therefore, a new blessing would be needed.<sup>254</sup>

Contemporary authorities discussing the proper application of this law to modern-day hospitals draw the following distinction. If the rooms in the hospital are private, each room is considered the domain of its current occupant. This makes for a situation quite similar to an apartment building, and therefore, the same dispute would apply. On the other hand, if the rooms are shared by multiple occupants and people are free to enter the rooms as they wish, no patient is considered to have dominion over any given room. Instead, the hospital is viewed as one large domain. As such, movement between rooms would be comparable to moving from one room

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laws of the Sabbath, Behag, Rabbeinu Chananel, Rabbeinu Alfasi, Rashi (Biur Halacha to Orach Chaim 178: 'B'Bayis Echad')

<sup>252</sup>Biur Halacha to Orach Chaim 178: 'B'Bayis Echad'

<sup>253</sup>Aruch HaShulchan, 178:11

<sup>254</sup>Rav Shlomo Zalman Auerbach zt"l quoted in Shmiras Shabbas K'hilchasa, 54:27

to another within the same house; no new blessing would be needed.<sup>255</sup>

While the rules governing movement between rooms are quite complex, the rule about movement within a room is simple. Regardless of how large the room is, movements within the room do not constitute a change of location.<sup>256</sup>

If a person begins eating outside in an open area, a movement inside would require recital of a new blessing. However, as long as the person stays outside, no new blessing is needed as long as the place where the original blessing was made is still visible.<sup>257</sup> If the original locale can no longer be seen, whether it is due to obstructions such as trees or due to sheer distance, a new blessing is needed.<sup>258</sup>

## 2. Requirements for Law to Apply

### a. Original Eating Confined to a Particular Location

Since the rationale behind this law is that a change of location symbolizes the end of an eating session, the law only applies to situations where the person's original eating was confined to a particular place. If the eating was never associated with a specific location, changes of location tell you nothing about the conclusion of the eating session and thus do not require a new blessing.

If a person starts eating while walking outside, no new blessing is needed regardless of how far he walks.<sup>259</sup> Even if one makes a blessing while still in his house, if he plans on leaving immediately, he is not considered to have established his house as the place of his eating.

Therefore, no blessing would be needed when he does leave.<sup>260</sup>

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<sup>255</sup>Piskei Tshuvos, 178:11

<sup>256</sup>Chayei Adam, 59:4

<sup>257</sup>Chayei Adam, 59:12

<sup>258</sup>Id. bringing a proof from the Talmud Tractate Zevachim 118

<sup>259</sup>Mishna Brura, 178:42

<sup>260</sup>Igros Moshe, Orach Chaim, 2:57 extending the reasoning of the Magen Avraham on Orach Chaim, 178:11.

Whether one who starts eating in a car is viewed as having established the car as his place is a topic handled by contemporary Rabbis. They have come up with the following distinction. If the person begins eating while the car is moving, he is likened to one who starts eating while walking. The fact that he happens to be enclosed in a vehicle is of no significance. He is considered a traveler, and no new blessing will be needed even if he later leaves the car and enters a house.

If, however, the person starts eating while the car is stationary so that he can eat more peacefully, the car is considered to be the location of his eating. As a result, a later movement into a house would require the recital of a new blessing.<sup>261</sup>

Changes of location are taken as evidence of the fact that a given eating session has come to a close. If the nature of the eating is such that this conclusion is unreasonable, the law does not apply. For example, when someone is chewing gum or sucking a candy as he moves from one place to another, no new blessing is needed.<sup>262</sup> The continuous nature of the eating precludes the conclusion that the session has ended.

A more difficult case is posed by foods which do not stay in the person's mouth but are nonetheless being eaten in a continuous manner (bag of chips, chocolate bar) as the person moves. Some deem this continuity insufficient to preclude the 'end of eating' conclusion and require a new blessing.<sup>263</sup> Others say that as long as each bite follows the previous bite by less than approximately three seconds, no new blessing is needed.<sup>264</sup> Still others hold that this case is indistinguishable from the case where the food remains in one's mouth. Thus, no new blessing is needed regardless of the length of time between bites.<sup>265</sup>

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<sup>261</sup>Responsa Btzail HaChachma, 6:73,74

<sup>262</sup>Igros Moshe, Orach Chaim, 2:57

<sup>263</sup>Chayei Adam, 59:10

<sup>264</sup>Igros Moshe, Orach Chaim, 2:57

<sup>265</sup>Kaf HaChaim, 178:15

b. Certain Types of Food Must be Involved

Aside from the complexity brought to this area of the law by efforts to determine which movements constitute changes of location and when eating is deemed to have been confined to a specific place, the Talmud teaches that this law only applies to certain types of food. As background for understanding this qualification of the rule, it is necessary to know that in addition to the blessings recited before food is eaten, there are also blessings said after food is eaten. Just like the ‘‘before blessings,’’ these ‘‘after blessings’’ vary with the type of food eaten. Bread requires the most elaborate blessing. Grain products aside from bread, certain types of fruit, and wine are followed by a somewhat less elaborate blessing. The shortest of the three ‘‘after blessings’’ follows all other foods. Aside from the blessings themselves which vary with the type of food eaten, some of the laws governing the recital of the ‘‘after blessing’’ vary with the type of food eaten. While some foods require that their ‘‘after blessings’’ be recited in the place they were eaten, others have no such requirement. The Talmud restricts the law that a change of location generates an obligation to recite a new blessing to foods which do not require an ‘‘after blessing’’ in the place they were eaten.<sup>266</sup>

This qualification flows from the underlying rationale for this body of law. The law generally deems someone who has left his place to have concluded his eating. However, in the case of foods which require an ‘‘after blessing’’ in the place they were eaten, the person is obligated to return to his original place in order to recite the ‘‘after blessing.’’ Thus, the mere fact that he left his original place does not bring the eating session to a close.<sup>267</sup>

While ‘‘before blessings’’ must be said regardless of the quantity of food one plans on eating, ‘‘after blessings’’ are only required when a certain amount of food is consumed within a certain

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<sup>266</sup>Tractate Pesachim 101b

<sup>267</sup>Rabbeinu Asher and Rashbam on Tractate Pesachim 101b

time span.<sup>268</sup> Thus, the principle that the laws of changing places do not apply to foods which require ‘‘after blessings’’ in their place is only true when a person has eaten the requisite amount in the prescribed period of time. Only then does the person have the obligation to recite an ‘‘after blessing’’ which ties him to his original location. If he has not incurred this obligation, the regular laws of changing places apply.<sup>269</sup>

In order to apply the Talmud’s rule, it is necessary to determine which foods require ‘‘after blessings’’ in the place they were eaten. These foods, when eaten in the requisite amount in the requisite period of time, will not be subject to the rule that a change of location effects the termination of the eating session. All authorities agree that bread fits into this category. Likewise, all agree that foods which require the shortest of the three ‘‘after blessings’’ do not fit into this category.<sup>270</sup> The area of dispute is with regard to foods after which the mid-level ‘‘after blessing’’ is recited. Some say that all foods in this group (i.e. grain products aside from bread, certain types of fruit, and wine) require ‘‘after blessings’’ where they were eaten.<sup>271</sup> Others hold that none of these foods carry this requirement.<sup>272</sup> A third opinion states that while grain products require an ‘‘after blessing’’ where they were eaten, fruits and wine do not.<sup>273</sup> These opinions lead to significant disagreement about when a change of location yields an obligation to recite a new blessing.

One difficult question which arises due to the different treatment accorded different types of food is the proper course of action for one who ate some food which requires an ‘‘after blessing’’ in the place it was eaten and some food which does not require an ‘‘after blessing’’

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<sup>268</sup>These quantity and timeframe requirements are examined in detail in Section IX(C) and (D), respectively.

<sup>269</sup>Magen Avraham on Orach Chaim 210:1

<sup>270</sup>Rama to Shulchan Aruch, Orach Chaim, 178:5

<sup>271</sup>Maimonides in the fourth chapter of his laws of blessings, Rashba

<sup>272</sup>Hagahos Maimonios in the fourth chapter of the laws of blessings of Maimonides

<sup>273</sup>Rashbam on Tractate Pesachim 101b

in the place it was eaten. For instance, let's assume one eats some cereal and drinks some juice in his original place. While the cereal needs an 'after blessing' where it was eaten<sup>274</sup>, the juice does not. If the person changes his location and then returns, he certainly does not need to make a new blessing on the cereal if he wishes to eat some more. However, whether a new blessing should be recited on the juice if he wishes to continue drinking is far from obvious. Does the obligation to return to the original place to recite the 'after blessing' on the cereal render his drinking continuous as well? Or, do we say that the two things he was eating are separable and that while his consumption of cereal is not deemed to have ended when he left, his consumption of juice came to a close with his departure? There is no clear answer to this question.<sup>275</sup>

#### c. Eater is not Part of a Group

There is one final thing that allows someone to defeat the presumption that his eating session ended with his change of location. The Talmud<sup>276</sup> discusses a case where a group of people is eating together and one of them leaves. As long as at least one member of the group remains when the person returns, he need not make a new blessing should he decide to eat some more. The fact that a member of the group is still at the table shows that the original eating was not concluded.<sup>277</sup> Thus, even with regard to items that do not require an 'after blessing' where they were eaten, there is a way to avoid making a new blessing due to a change of location.<sup>278</sup>

The authorities discuss how involved the remaining person must be in the meal at the time the

<sup>274</sup>For the purposes of this hypothetical, I am assuming that all grain products require 'after blessings' where they were eaten. This is in accord with the opinions of Maimonides, Rashba, and Rashbam cited earlier.

<sup>275</sup>Badei HaShulchan, 57:5

<sup>276</sup>Tractate Pesachim, 101b-102a

<sup>277</sup>Beis Yosef to Tur, Orach Chaim 178

<sup>278</sup>Magen Avraham on Orach Chaim, 178:3. This is also the opinion of the Gra to Orach Chaim, 178:2 'V'chain.' Mishna Brura, 178:14 agrees. Although the Taz on Orach Chaim, 178:3 holds that leaving someone behind only helps with regard to foods which do require an 'after blessing' where they were eaten, the law follows the view of the majority.

person who left returns in order to take advantage of this rule. While it is not necessary that the remaining member of the group still be eating when the other person returns, it is necessary that he has not yet made his ‘‘after blessing.’’ Once the remaining person recites his ‘‘after blessing,’’ the original eating session is deemed to have concluded. Thus, if the person who left returns after this point, a new blessing will be needed for any subsequent consumption.<sup>279</sup>

## VIII. Discharging a Blessing Obligation by Listening to the Recital of

### Another

#### A. Introduction

The Talmud establishes a principle through which a blessing recited by one individual can exempt others from their blessing obligations. Basically, if one listens attentively to the blessing being recited by the other person, the listener is considered to have fulfilled his obligation as well.<sup>280</sup> He may partake of the food before him without reciting a blessing himself.

#### B. Mechanism by which this Rule Operates

Rabbis have questioned the mechanism by which this ‘‘listening’’ works to exempt the listener from his obligation. They posited two possibilities.<sup>281</sup> Perhaps the principle laid down in the Talmud simply means that by listening, the listener is permitted to take advantage of the blessing of the speaker. Alternatively, maybe the Talmud means that when one listens to the recital of a blessing, it is viewed as if he, himself, is reciting the blessing. Thus, in contrast with the first way of understanding, according to this view, it is not the case that the listener simply rides on the coattails of the speaker; it is considered as if the listener

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<sup>279</sup>Maamar Mordechai, 178:4

<sup>280</sup>Talmud Tractate Succah, 38b

<sup>281</sup>Chazon Ish, Orach Chaim, 29:1



has recited his own blessing.

An important practical difference between these two views flows from a rule in another area of the laws of blessings. After one recites a blessing on a food item, the individual is required to eat some of the food immediately. There should be no interruptions between the conclusion of the blessing and the beginning of the eating. Some interruptions even have the ability to negate the blessing's effectiveness. For example, if one speaks after concluding the blessing but before partaking of the food, the blessing is deemed void and must be recited again. Once some of the food has been consumed, speaking in-between subsequent bites has no bearing on the blessing's effectiveness.<sup>282</sup>

In the case of a person reciting a blessing both for himself and for a listener, what would the law be if the person who actually recited the blessing started eating without any interruption, but the listener spoke before partaking of the food? A straightforward application of the rule above says that had this person made his own blessing and interrupted, he would have to recite a new blessing. Does the fact that he fulfilled his obligation by listening to the blessing of one who did eat immediately affect this ruling?

The answer to this question should depend on which side of the analysis above is correct. If a listener fulfills his obligation by taking advantage of the blessing of the speaker, in this case, the listener should not be obliged to recite a new blessing even though he interrupted between the conclusion of the blessing and eating. Since the blessing he is relying on to exempt him, i.e. the blessing recited by the person to whom he was listening, was followed immediately by eating, the fact the listener himself spoke is irrelevant. However, if the Talmudic principle means to say that by listening, it is as if the listener has uttered his

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<sup>282</sup>Shulchan Aruch, Orach Chaim, 167:6

own blessing, the interruption by the listener should require him to recite a new blessing. According to this view, the blessing of the speaker and the blessing of the listener are two separate entities. The fact that the speaker's blessing was followed immediately by eating and was therefore effective has no bearing on the effectiveness of the listener's blessing. The proper ruling in this case is a matter of dispute. While one opinion holds that the listener is not obligated to recite a new blessing,<sup>283</sup> the majority of commentators say a new blessing is needed.<sup>284</sup> It seems the argument hinges on how to understand the mechanism by which one who listens to the blessing of another fulfills his obligation. There is also an argument about the law in a case where the person who recited the blessing spoke before eating, but the listener did not. In this scenario, the person who actually recited the blessing certainly has to make a new blessing. However, is the listener obligated to recite a new blessing as well? Once again, the answer depends on the analysis above. If the listener is simply taking advantage of the blessing of the speaker, the listener should also be obligated to recite a new blessing. The interruption by the person who recited the blessing has made the blessing on which the listener intended to rely ineffective. Thus, a new blessing would be needed by the listener.<sup>285</sup> However, if by listening, it is as if the listener has uttered his own blessing, no new blessing should be needed unless the listener himself speaks before partaking of the food.<sup>286</sup> The fact that the person who recited the blessing spoke and that his blessing became ineffective is irrelevant. As stated above, according to this view, the blessings of the listener and of the person who actually recited the blessing are two separate entities.

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<sup>283</sup>Rama to Shulchan Aruch, Orach Chaim, 167:6

<sup>284</sup>Beis Yosef to Tur, Orach Chaim 167, Magen Avraham, 167:19, Taz, 167:8, Chayei Adam, 5:11, Mishna Brura, 167:43

<sup>285</sup>Biur Halacha, 167:6: 'Aval Achar Cach'

<sup>286</sup>Pri Megadim, 167:6

One further question that may depend on the mechanism by which this rule operates is whether one can listen to the first portion of a blessing recited by someone else and then conclude the blessing on his own. Earlier, we saw that all blessings begin the same way: ‘‘Blessed are You, Hashem (name of G-d), our G-d, King of the universe...’’ The only thing which distinguishes blessings from one another is the concluding phrase which follows this introductory line.<sup>287</sup> Suppose one is in the middle of eating an apple and cannot remember whether he recited a blessing before starting to eat. While the simple solution would seem to be a fresh recital of the blessing, in actuality, this course of action is prohibited. The reason why a person is not allowed to recite a blessing when he is unsure whether he is obligated to do so has to do with the fact that the blessing mentions the name of G-d. Since Scripture forbids the mention of G-d’s name in vain<sup>288</sup>, a blessing may only be recited when the obligation to do so is clear. Thus, a person who finds himself in a situation where he cannot recall whether he recited a blessing must try to fulfill his blessing obligation without actually saying G-d’s name. The only way to do this is to listen to a blessing being recited by someone else. Apples are preceded by the ‘‘...Who creates the fruit of the tree’’ blessing. Thus, if the individual eating the apple is sitting with someone else who is about to start eating an item subject to that blessing, he can simply listen to the recital and discharge his obligation.

However, what if this other person is about to eat pretzels? As a grain product, pretzels are preceded by the ‘‘...Who creates species of nourishment’’ blessing. Is there any way that the apple eater can take advantage of the fact that his friend is about to recite this other blessing?

If listening is likened to having recited the words which you heard, this individual can listen

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<sup>287</sup>This was discussed earlier at the beginning of Section II.

<sup>288</sup>Exodus, 20:7

to the introductory portion of the blessing recited by the pretzel eater. In this way, it is as if he himself said, ‘‘Blessed are You, Hashem (name of G-d), our G-d, King of the universe...’’ Then, he can complete the blessing with the phrase ‘‘...Who creates the fruit of the tree.’’ In this way, he has effectively recited the blessing without actually mentioning G-d’s name. The fact that the speaker was in the middle of reciting a blessing that does not cover apples is wholly irrelevant.

On the other hand, if a listener is not viewed as having actually uttered the words he heard, but rather fulfills his obligation by latching onto the blessing of the speaker, this procedure should not work. Since the introductory line itself is not a complete blessing and the complete blessing the pretzel eater will be reciting cannot exempt apples, the apple eater would be stuck.

Many contemporary authorities are of the opinion that the apple eater can fulfill his obligation by listening to the first portion of the blessing recited by someone eating a pretzel and concluding with ‘‘...Who creates the fruit of the tree.’’<sup>289</sup> This would seem to provide support for the understanding that a listener is seen as having actually recited the words himself.

#### C. Conditions Necessary for Rule to Work

Whatever the mechanism by which this rule works, in order to take advantage of this rule, a number of conditions must be met. These conditions are aimed at establishing a connection between the speaker and the listener which is strong enough to support the listener fulfilling his obligation with the blessing of the speaker.

First, the people involved must be seated at the same table about to partake of the same meal.

The fact that they are seated together enables them to function as a unit when it comes to

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<sup>289</sup>Minchas Shlomo, 1:20, Be’er Moshe, 3:34 expounding upon a principle established by Rabbi Akiva Eiger zt’’l in his responsa (number 7)

the recital of the blessing.<sup>290</sup>

Some commentators are of the opinion that this condition is fulfilled with regard to all the members of a group as long as the speaker and some of the listeners are seated together. In this scenario, even the non-seated listeners may fulfill their obligation by listening to the blessing of the speaker. According to this view, the cohesion established by those who are sitting together can carry over to the people not at the table.<sup>291</sup> Others disagree strongly with this ruling. They hold that only those actually seated with the speaker have a strong enough connection to fulfill their blessing obligation by listening.<sup>292</sup>

Aside from the physical connection between the parties imposed by this first condition, a second condition imposes a metaphysical connection between them. More specifically, the speaker must have specific intent to help the listener fulfill his obligation. Similarly, the listener must have specific intent to discharge his obligation by listening to the blessing. If either party involved is not actively thinking about what is going on, the blessing is not effective for the listener.<sup>293</sup>

Provided both the first and second conditions are fulfilled, in a situation where multiple people are about to eat, it is not only possible for one person to recite the blessing for all involved, it is actually preferable. The reason for this is based on a passage from Scripture which states:

‘‘The King (a reference to G-d) is glorified by a multitude of people.’’<sup>294</sup>

The Rabbis derive from this verse that when a group of people is about to do something that

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<sup>290</sup>Shulchan Aruch, Orach Chaim, 167:11, 213:1

<sup>291</sup>Pri Megadim extending the logic of an opinion quoted in the Magen Avraham

<sup>292</sup>Biur Halacha, 167:11: ‘‘B’lo Hesaibah’’ who quotes the former view only to raise questions on it from a bunch of primary sources

<sup>293</sup>Shulchan Aruch, Orach Chaim, 213:3

honors G-d, the best way to do it is as one large delegation. In this way, a ‘‘multitude of people’’ is serving G-d together. In the context of reciting a blessing, the way to accomplish this is to have one person recite the blessing for everyone who is about to eat. This unites the group in the service of G-d. The verse teaches that a bunch of blessings recited by individuals would not provide the same level of glorification of G-d.<sup>295</sup>

While this is true in theory, contemporary authorities point out that in practice, each person should recite his own blessing. They base this ruling on the fact that many people today are unfamiliar with the law that specific intent is needed by both parties in order for the listener to fulfill his obligation. This lack of familiarity leads to the result that many trying to fulfill their obligations by listening are not doing so successfully and are therefore effectively eating without reciting a blessing. Faced with this reality, these authorities have decided that it is better to forego the fulfillment of the verse about multitudes joining together to serve G-d in order to make sure that each individual actually fulfills his blessing obligation.<sup>296</sup>

## IX. Blessings Recited After Food

### A. Introduction

Aside from the obligation to recite a blessing prior to eating, there is also an obligation to recite a blessing after eating (‘‘after blessings’’). Like the blessings which precede eating, these ‘‘after blessings’’ come in different varieties depending on the type of food

<sup>295</sup>Maadanei Yom Tov to the sixth chapter of Tractate Brachos, Paragraph 33

<sup>296</sup>Aruch Hashulchan, 213:7, Mishna Brura, 213:12

the individual ate. However, whereas there are six different blessings which come before food, there are only three types of blessings which come after food.

The most elaborate of these ‘‘after blessings’’ is known as Bentching<sup>297</sup> and is reserved for occasions on which a person ate bread<sup>298</sup>. Grain products aside from bread<sup>299</sup>, fruits mentioned in Scripture in the context of praising the Land of Israel<sup>300</sup>, and wine are followed by a shorter blessing known as Maayn Shalosh (a portion of three)<sup>301</sup>. All other foods are subject to the least elaborate ‘‘after blessing,’’ known as Borei Nefashos (who creates souls)<sup>302</sup>.

## B. A Closer Look at the Three Blessings Which Follow Food

### 1. Bentching

Earlier, we saw that there is an important divide in the obligations Jewish Law imposes on individuals. While many of these obligations are Scriptural in nature, i.e. the law is derived from a passage in Scripture, lots of obligations are Rabbinic in nature. These are laws legislated by the leading Rabbinic authorities. We also saw that the whole body of law surrounding the blessings which precede food is Rabbinic in nature.<sup>303</sup>

Bentching, in contrast, is a Scriptural obligation. In describing the Land of Israel, Scripture states<sup>304</sup>:

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<sup>297</sup>This is actually a word in the Yiddish language which simply means ‘‘make a blessing.’’ Common usage has developed in such a way that the ‘‘after blessing’’ for bread has come to be known as ‘‘bentching.’’

<sup>298</sup>See Section II(B)(2), *supra*, for a discussion of the characteristics needed to qualify as ‘‘bread’’

<sup>299</sup>This refers to items preceded by the ‘‘...Who creates species of nourishment’’ blessing.

<sup>300</sup>Deuteronomy, 8:8

<sup>301</sup>See Section IX(B)(2), *infra*, for an explanation of this seemingly odd title.

<sup>302</sup>Shulchan Aruch, Orach Chaim, 207:1. This title comes from the text of the blessing itself.

<sup>303</sup>These issues were discussed in Section I.

<sup>304</sup>These verses are found in the eighth chapter of Deuteronomy.

Verse 8: a Land of wheat, barley, grape, fig, and pomegranate; a Land of oil-olives and date-honey;

Verse 9: a Land where you will eat bread without poverty -- you will lack nothing there; a Land whose stones are iron and from whose mountains you will mine copper.

Verse 10: You will eat and you will be satisfied, and bless Hashem, your G-d, for the good land that he gave you.

The obligation to bless G-d after eating, mentioned in verse 10, is read to refer back to the consumption of bread, mentioned in verse 9. These passages are thus seen as the source for the obligation to recite a blessing after eating bread.

These passages are also used to set up the design of Bentching. Bentching comprises three separate blessings, each of which is Scriptural in origin. The topics discussed in these Scripture-based blessings are derived from the passage above. The first blessing talks about the nourishment which G-d provides. It is derived from the first portion of verse 10: ‘‘You will eat and you will be satisfied...’’ The command to ‘‘bless’’ is read referring back to the eating and satisfaction which has taken place.

The second blessing thanks G-d for the fact he gave the Jewish people the Land of Israel. It is based on the directive to ‘‘bless Hashem, your G-d, for the good land that he gave you.’’ The third Scriptural blessing discusses the glory of Jerusalem as the center of Jewish worship. It is derived from the word ‘‘good’’ in the phrase ‘‘good land that he gave you’’ by a type of exegesis, the explication of which lies beyond the scope of this paper.<sup>305</sup>

While these Scriptural cues teach us the topics to be covered by the blessings, they provide

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<sup>305</sup>Talmud Tractate Brachos, 48b



no guidance about the exact text one should recite. The Talmud explains that the texts of these blessings were actually instituted at different times over the course of Jewish history. After the Jews left Egypt, they spent forty years traveling in the desert before they entered the Land of Israel. Scripture relates how during that time, the Jews were nourished by manna which fell from heaven every night.<sup>306</sup> When the manna fell, Moses composed the first blessing in the Bentsching, thanking G-d for the nourishment He had provided.

At the end of the forty years of wandering in the desert, the Jews were led into the Land of Israel by Joshua, Moses' primary disciple. Upon entering, Joshua composed the second blessing, thanking G-d for the land He had given the Jews.

Years later, King David established Jerusalem as the focal point of Jewish worship, and his son, King Solomon, proceeded to build the Temple. The Talmud teaches that David and Solomon composed the third blessing.

Many commentators are troubled by a seeming chronological inconsistency between the Talmud's teaching that these blessings are Scriptural in origin and the teaching that the text of the blessings was instituted at various points during Jewish history. While the manna fell in the desert before Scripture was received, the conquest of Israel under Joshua's leadership and the establishment of Jerusalem as the center of Jewish worship both occurred years after Scripture was received. This means that while the obligation to recite the three blessings of Bentsching commenced with the receipt of Scripture, the texts of the second and third blessings were not composed until later. What did people do with regard to the second blessing from the time Scripture was received until Joshua led the people into Israel? Similarly, what did

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<sup>306</sup>Exodus, Chapter 16

people do with regard to the third blessing from the time Scripture was received until Kings David and Solomon built Jerusalem and the Temple?

In answering this question, the early commentators on the Talmud explain that while the topics to be discussed in each of the three blessings are determined by Scripture, the actual text one uses to cover these topics is not prescribed by Scripture. Thus, one may discharge his first blessing obligation by reciting any text which thanks G-d for the nourishment He provides. Similarly, the obligation to recite the second blessing is fulfilled by the recital of any text that thanks G-d for the Land of Israel. The same is true with regard to the third blessing.

Based on this understanding, when the Talmud teaches that the texts of the blessings were composed by different individuals at different points in time, it is simply coming to explain how the texts we recite today came into existence. The Talmud does not mean to say that recital of these texts is the only way one can fulfill his Bentsching obligation. Therefore, in the years between the receipt of Scripture and the composition of the current text of the second blessing by Joshua, people simply used any text they wanted to thank G-d for the Land of Israel. This was enough to fulfill the second blessing of Bentsching obligation. Once Joshua composed his text, it was subsequently adopted by all. The same is true with regard to the third blessing. Until the time of Kings David and Solomon, people used any text they saw fit. Once the composition of these two Kings became available, it was adopted by all.<sup>307</sup>

## 2. Maayn Shalosh

As indicated above, Maayn Shalosh is the ‘‘after blessing’’ recited following the consumption of grain products other than bread, fruits used to praise the Land of Israel, and wine. Maayn

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<sup>307</sup>Ritva to Talmud Tractate Brachos, 48b

Shalosh is Hebrew for ‘‘a portion of three.’’ The ‘‘three’’ is a reference to the three blessings one is obligated to recite after eating bread. The blessing is known as ‘‘a portion of three’’ because while the text of the blessing does cover the same topics the blessings of Bentching cover, it does so in an abridged manner in the format of only one blessing. Thus, while Bentching itself consists of three blessings, each devoted to a separate topic, the Maayn Shalosh is one blessing which makes mention of all three topics.<sup>308</sup>

There is a dispute among the authorities with regard to whether the obligation to recite Maayn Shalosh is Scriptural or Rabbinic in nature. Some, based on the passages quoted earlier from Deuteronomy, point out that Scripture mentions the obligation to bless G-d for the food He provides after mentioning not only bread, but also the seven species for which the Land of Israel is praised. Bread is mentioned in verse 9 while the seven species are mentioned in verse 8. Two of these species are wheat and barley, the grains after which Maayn Shalosh is recited. The five other species (grapes, figs, pomegranates, olives, and dates) are the fruits after which Maayn Shalosh is recited. Wine, the only beverage which is followed by Maayn Shalosh, is an extension of the listed item, grapes. Based on this analysis, these commentators conclude that Maayn Shalosh, like Bentching, is Scriptural in origin.<sup>309</sup>

Other authorities hold that the Scriptural obligation to bless G-d for the food He provides applies only to bread. They say that the obligation to bless G-d found in verse 10 is only read to refer back to verse 9, not to verse 8. According to this view, Maayn Shalosh is Rabbinic

<sup>308</sup>Chayei Adam, 50:2, Aruch HaShulchan, 208:2

<sup>309</sup>Rashba to Tractate Brachos, 35a, Rabbeinu Asher on the sixth chapter of Tractate Brachos, paragraph 16, Ritva to Tractate Succah, 6a.

One interesting question according to this view is why Bentching and Maayn Shalosh are structured differently. As we saw, Bentching consists of three blessings each devoted to a specific topic whereas Maayn Shalosh is one blessing that makes mention of all three topics. If the obligation to recite Bentching and Maayn Shalosh comes from the same passage in Scripture, one can wonder why the two are set up so differently.

in origin.<sup>310</sup>

### 3. Borei Nefashos

Borei Nefashos is the after blessing which follows all food and drink aside from bread, grain products, the special fruits used to praise the Land of Israel, and wine.<sup>311</sup> All authorities agree that it is Rabbinic in origin.<sup>312</sup>

#### C. Requisite Amount to Incur After Blessing Obligation

##### 1. Source of Rule

Unlike the blessings which precede food which must be recited regardless of the amount one plans on eating, in order to recite any one of these three “after blessings,” an individual must consume a minimum quantity of food or drink.<sup>313</sup>

The fact that the obligation to recite an “after blessing” only exists when a certain amount of food has been eaten is derived from the passage in Deuteronomy which instructs the Jewish people to bless G-d after eating bread. The passage states:

“You will eat and you will be satisfied and bless...”

The verb “to eat” has a specific meaning in Scripture. It means the consumption of a certain minimum quantity of food. For instance, when Scripture prohibits the consumption of pork, it also uses the verb “to eat,” more specifically “You shall not eat.” In that context, Jewish Law states that a transgressor is only liable for punishment if he consumes a k’zayis (Hebrew for “the size of an olive”) of pork. Consumption of less than this amount is not

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<sup>310</sup>Tosfos to Tractate Brachos, 44a

<sup>311</sup>Shulchan Aruch, Orach Chaim, 207:1

<sup>312</sup>Shulchan Aruch, Orach Chaim, 209:3

<sup>313</sup>Shulchan Aruch, Orach Chaim, 210:1

considered ‘‘eating’’ in Jewish Law. Since Scripture only imposes an obligation to recite an ‘‘after blessing’’ when ‘‘eating’’ has taken place, one who consumes less than a k’zayis need not recite an ‘‘after blessing.’’<sup>314</sup>

We saw earlier that this passage in Scripture is the source of the obligation to recite a blessing after eating bread. Some authorities understood the passage to also be referring to the Maayn Shalosh blessing which follows grain products, a subset of fruits, and wine. Thus, for bread and these three groups of food, the fact that an after blessing is only said when a k’zayis has been eaten may be based on the Scriptural usage of the verb ‘‘to eat.’’ However, everyone agreed that this passage is not the source of the Borei Nefashos blessing which follows all other foods; Borei Nefashos is Rabbinic in origin. Thus, from where do we derive the k’zayis requirement for the recital of the Borei Nefashos blessing?

Later authorities answer this question based on a principle in Jewish Law that when the Rabbis use their legislative power, they model their laws on pronouncements from Scripture. When the Rabbis decided to institute an ‘‘after blessing’’ for all foods not included in the Scriptural command, they mimicked the obligation imposed by Scripture. Just like Scripture only mandates the recital of an ‘‘after blessing’’ when a k’zayis has been eaten, the Rabbis only imposed the obligation to recite the Borei Nefashos blessing when a k’zayis has been eaten.

## 2. Solids

### a. K’zayis

While k’zayis literally means ‘‘the size of an olive,’’ the leading authorities in Jewish Law discuss the minimum amount one must eat to incur an ‘‘after blessing’’ obligation in terms

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<sup>314</sup>Rashi to Talmud Tractate Brachos, 39a

of eggs. This is the result of a dispute in a different area of Jewish Law. In order to comply with some of the laws pertaining to the Jewish Sabbath, it is necessary to know the quantity of food consumed by an average person at a meal. While some estimate this quantity to be four eggs<sup>315</sup>, others estimate it to be three eggs.<sup>316</sup> The Talmud itself expresses the amount of food consumed at one meal as being equivalent to slightly more than nine k'zaysim (plural of k'zayis -- thus, nine chunks the size of an olive).<sup>317</sup>

Since the authorities cited earlier who spoke in terms of eggs and the Talmud which speaks in terms of k'zaysim are all trying to estimate the same quantity, i.e. the amount of food eaten at a meal, we can deduce the relationship between eggs and k'zaysim using division. According to those who put forward the four egg estimate, a k'zayis is equal to 4/9, or slightly less than half, of an egg. Based on the three egg estimate, a k'zayis is equal to 3/9, or 1/3, of an egg. The consensus among later commentators is to use the larger estimate and to only recite an "after blessing" if food equivalent to approximately one-half of an egg has been eaten.<sup>318</sup>

Having established that the appropriate measure is about one-half of an egg, it is important to take note of an additional point of contention among later authorities. Some say that the half of an egg measure is applied based on weight. Thus, when one eats food which weighs the

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<sup>315</sup>Tosfos to Talmud Tractate Eiruvim, 80b: "Agav"

<sup>316</sup>Maimonides in the first chapter of his Laws of Eiruvim, paragraph 9

<sup>317</sup>This estimate is actually the product of two different statements from the Talmud. In Tractate Eiruvim, 80b, the Talmud puts the amount of food eaten during a meal at the equivalent of nine dates. In Tractate Shabbos, 91a, the Talmud states that a k'zayis is slightly less than a date. This leads to the conclusion that a meal consists of slightly more than nine k'zaysim. This explanation was not provided in the text for purposes of simplicity.

<sup>318</sup>Chaye Adam, 50:12, Aruch HaShulchan, 202:5, Mishna Brura, 486:1. There is actually an additional dispute amongst later authorities as to whether the eggshell is included in the measurement. According to the Mishna Brura, 486:1, an after blessing is only required when one consumes a quantity equivalent to half of an egg with its shell. The Chazon Ish, Orach Chaim 39:17, and others are of the opinion that half of an egg without its shell is the proper measurement.

same amount as one-half of an egg, an after blessing is required.<sup>319</sup>

The majority of commentators, however, reject this view based on a teaching from the Jewish Laws of ritual impurity. The rule is that foodstuffs cannot become ritually impure unless they are the size of a whole egg. In the context of explaining how to make this measurement with regard to food items with air pockets like sponge cake, the Talmud teaches that it is necessary to mash the cake in order to determine whether the piece at issue meets the whole egg requirement.<sup>320</sup> If the measurement is based on weight, these authorities reason, why is it necessary to mash the cake in order to see if the whole egg requirement has been met? Air pockets do not weigh anything! The fact that the Talmud does require mashing in order to make this determination indicates that the measurement is one of volume. Air pockets must be eliminated in order to figure out whether the item at issue has a volume equal to that of a whole egg. Using this as an example, these authorities maintain that all measurements in Jewish Law, including those with regard to blessings, are based on volume, not weight.<sup>321</sup> The volume of one-half of an egg is approximately one fluid ounce.

Commentators argue about which ingredients of a food item may be counted toward the volume requirement. For instance, consider a chocolate cake recipe which calls for 50% flour and 50% other ingredients (oil, chocolate, sugar). Since the cake falls into the category of a grain product other than bread, the proper after blessing is Maayn Shalosh. However, how much of the baked cake must an individual eat to incur the ‘‘after blessing’’ obligation?

Some say that the obligation only exists if the requisite volume of actual grain is consumed.

In this example, since the cake is made from 50% non-grain ingredients, an individual would have to eat a full egg’s volume of cake in order to have consumed one-half of an egg’s volume

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<sup>319</sup>Kaf HaChaim, 168:46

<sup>320</sup>Mishna Tractate Uktzin, 2:8

<sup>321</sup>Shulchan Aruch, Orach Chaim, 456:1, Mishna Brura, 456:3

of grain. Only then would the person be required to recite Maayn Shalosh. Others are of the opinion that since the items baked together with the grain are only there to enhance the taste of the grain itself, they should be considered in determining whether the requisite volume has been consumed. According to this view, in this example, the ‘‘after blessing’’ obligation would be incurred as soon as the individual ate one-half of an egg’s volume of the baked cake.<sup>322</sup>

#### b. Naturally Whole Items

While the consumption of a volume equal to one-half that of an egg definitely triggers an ‘‘after blessing’’ obligation, the ability of naturally whole items of a lesser volume to generate such an obligation is a matter of dispute. Some are of the opinion that when a person eats one grape or one blueberry, even though the individual has not consumed a volume equal to one-half that of an egg, an ‘‘after blessing’’ must be said.<sup>323</sup> They explain that while it is true the verb ‘‘to eat’’ in Scripture refers to the consumption of a specific volume, it is important to understand why Scripture uses the word that way. Consuming less than the volume of one-half of an egg is generally deemed so insignificant that it is not even called ‘‘eating.’’ However, these authorities continue, when the item being eaten is significant in its own right, by virtue of the fact that it is a complete entity created by nature, the consumption is called ‘‘eating’’ regardless of the volume involved.<sup>324</sup> Others say that the fact an item is complete is not enough to bring it within the term ‘‘eating.’’ They hold that only consumption of a volume equal to that of one-half of an egg leads to an ‘‘after blessing’’ obligation.<sup>325</sup>

The former view is based on the premise that whole units produced by nature are considered

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<sup>322</sup>Mishna Brura, 208:48 discusses both views and states that current practice follows the latter view quoted above.

<sup>323</sup>Talmud Yerushalmi Tractate Brachos, 6:1. This opinion is also discussed in Tosfos to Talmud Tractate Brachos, 39a:’’Batzar’’ and Rabbeinu Asher on the sixth chapter of Tractate Brachos, paragraph 16

<sup>324</sup>Mishna Brura, 210:6

<sup>325</sup>Rif on the sixth chapter of Talmud Tractate Brachos, 27a-b in the pages of the Rif



to possess a greater degree of importance than other items. Later authorities have struggled to define this concept. Some are of the opinion that whole items are only special insofar as they have not been altered in any manner from the way they were formed by nature. According to this view, the removal of seeds or a pit automatically strips the fruit of its special status. This is true regardless of whether the seeds or the pit are generally eaten; as long as the item is no longer the same as the one produced by nature, the special degree of importance is lost. Once this special status is lost, an ‘‘after blessing’’ obligation will only be incurred if the individual eats the requisite volume of the pitted or seedless fruit.<sup>326</sup>

Others say that the special status of whole items derives from the edible portions of the fruit. Alterations which do not affect parts of the fruit that are generally consumed do not effect a change in the item’s status. According to this opinion, the removal of a pit from a fruit whose pit is normally discarded, such as olives and plums, does not take away from the fruit’s importance. Therefore, one who eats a pitted plum or olive would be obligated to recite an ‘‘after blessing’’ even if the volume of the fruit was not equal to that of one-half of an egg. On the other hand, if seeds are removed from things like grapes, figs, and pomegranates, items whose seeds are typically eaten, the special status accorded to the whole item is lost. One would have to consume the requisite volume of these seedless fruits to incur the ‘‘after blessing’’ obligation.<sup>327</sup>

This effort to identify what it is about whole items that makes them special is only relevant for those who hold that we do accord special status to whole items. As we saw above, some dispute this ruling. They say that only consumption of the requisite volume leads to an ‘‘after blessing’’ obligation. Later authorities have not been willing to choose between these two

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<sup>326</sup>Beur HaGra to Shulchan Aruch, Orach Chaim, 210:1

<sup>327</sup>Magen Avraham, 210:4

views. Instead, they have suggested a number of ways to avoid the dispute altogether. One way to accomplish this is to simply not eat whole items produced by nature in very small quantities.<sup>328</sup> If one eats a volume of grapes or blueberries equal to that of one-half of an egg, everybody agrees that an ‘‘after blessing’’ must be said. The dispute is only relevant when whole items are eaten in amounts smaller than this.

While this suggestion works if the person does not mind consuming the requisite volume, what if the person only wants to eat one grape? Is there a different way to avoid the dispute? For cases like this, some have advised simply splitting the item in two before reciting the preceding blessing. Halving the item removes any special status the item might have had; no ‘‘after blessing’’ need be said following consumption of the two halves.<sup>329</sup>

### 3. Liquids

Until now, we have been discussing the amount of solid food one must consume in order to incur an ‘‘after blessing’’ obligation. There is also a requisite volume of liquid one must drink in order to trigger the ‘‘after blessing’’ obligation. With regard to solids, we arrived at the specific quantity by first noting that Scripture uses the verb ‘‘to eat’’ when it mandates the recital of an ‘‘after blessing.’’ By drawing a parallel to the many ‘‘eating’’ prohibitions contained in Scripture, all of which are only punishable when a k’zayis of the forbidden item is eaten, the Rabbis concluded that ‘‘after blessings’’ need only be recited when a k’zayis of food has been consumed.

Scripture does not use the verb ‘‘to drink’’ in establishing an ‘‘after blessing’’ obligation. However, just like the volume for solids is derived from the eating prohibitions in Scripture, the volume for liquids is derived from the drinking prohibitions in Scripture. When Scripture

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<sup>328</sup>Shulchan Aruch, Orach Chaim, 210:1

<sup>329</sup>Shaar HaTziyun, 210:21, in the name of the Chayei Adam

proscribes the consumption of a liquid, punishment can only be imposed if the individual imbibes a volume equal to that of one and a half eggs, roughly three fluid ounces. Consumption of this amount also leads to an ‘‘after blessing’’ obligation.<sup>330</sup>

#### 4. Reaching the Requisite Amount by Combining Foods

One interesting issue these quantity requirements raise is whether a bunch of items, each eaten in a small amount, may be combined to obligate the eater in an ‘‘after blessing.’’ Perhaps the simplest permutation of this case is one who eats two items which are both properly followed by the same ‘‘after blessing.’’ For instance, apples and oranges are both followed by the Borei Nefashos blessing. What is the rule in a case where one consumes a volume of apple equivalent to one quarter of an egg and a volume of orange equivalent to one quarter of an egg, thereby reaching the one-half of an egg volume requirement? In this scenario, the quantities may be combined, and the individual is obligated to recite a Borei Nefashos blessing. Similarly, if a person partakes from a bunch of fruits subject to the Maayn Shalosh blessing (grapes, figs, dates, pomegranates, olives), as long as the one-half of an egg’s volume threshold is reached, Maayn Shalosh must be recited.<sup>331</sup>

This rule applies to liquids as well. If one drinks three quarters of an egg’s volume worth of soda and three quarters of an egg’s volume worth of juice, thereby reaching the one and a half egg volume requirement, a Borei Nefashos blessing must be recited.<sup>332</sup>

While different foods can be combined with one another and different drinks can be combined with one another, food cannot be combined with drink to obligate the individual in an ‘‘after blessing.’’ Thus, one who eats half the requisite volume of an apple and drinks half the requisite

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<sup>330</sup>Mishna Brura, 210:4

<sup>331</sup>Magen Avraham, 210:1

<sup>332</sup>Id.

volume of soda does not incur an ‘‘after blessing’’ obligation.<sup>333</sup>

In the preceding paragraphs, we only discussed cases where the foods or drinks the individual seeks to combine are followed by the same ‘‘after blessing.’’ What happens, however, if one eats half the requisite volume of cake and half the requisite volume of cantaloupe? Similarly, what is the rule if one drinks half the requisite volume of wine and half the requisite volume of soda?<sup>334</sup> In both of these cases, one of the items is normally followed by Maayn Shalosh (the cake and the wine), and the other item is normally followed by Borei Nefashos (the cantaloupe and the soda).

In deciding that Borei Nefashos is the appropriate blessing to recite in these instances, the authorities rely on the fact that it is the more generic of these two blessings.<sup>335</sup>

#### D. Time Period Within Which Food Must be Eaten to Incur After Blessing Obligation

There is one additional law derived from the parallel drawn between ‘‘after blessings’’ and consumption prohibitions. In order to be liable for punishment, a transgressor must not only eat a certain quantity of the prohibited item, but he must also eat the amount within a certain period of time. Only by fulfilling these two conditions has the individual performed what Scripture refers to as ‘‘eating.’’<sup>336</sup>

Similarly, even if one eats or drinks the requisite volume, an ‘‘after blessing’’ obligation is only incurred if the consumption takes place within a fixed amount of time. Like the volumes themselves, these time frames vary depending on whether we are discussing solids or liquids.

For solids, the time is roughly three to four minutes. One who eats a volume equal to that

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<sup>333</sup>Id.

<sup>334</sup>As we saw above, food and drink may not be combined to reach the requisite volume requirement. Therefore, no such example is discussed here.

<sup>335</sup>Magen Avraham, 210:1

<sup>336</sup>Id.

of one-half of an egg, but takes longer than four minutes to do it is not obligated to recite an ‘‘after blessing.’’<sup>337</sup> For drinks, the requisite volume must be consumed in two sips with only a quick pause between the sips. If it takes longer than that, no ‘‘after blessing’’ is recited.<sup>338</sup>

#### E. Possible Exceptions to the Amount Consumed and Timeframe Requirements

Some commentators have suggested that these strict quantity and timeframe requirements were never meant to apply to certain special cases. More specifically, some have questioned the application of the volume requirement for liquids to the consumption of hard liquor. They point to the difficulty of drinking three ounces of whiskey in two quick sips. In this situation, they say, the quantity needed to obligate the drinker in an ‘‘after blessing’’ is that which people normally drink in one sip, an amount considerably less than three ounces.<sup>339</sup>

Similarly, some have questioned the application of the timeframe requirement to hot drinks such as coffee and tea. They claim that the ‘‘two sips with a quick pause between the sips’’ requirement is only appropriate for drinks which are normally consumed in that manner. Hot liquids, however, which one tends to sip for a prolonged period of time should be followed by an ‘‘after blessing’’ as long as three ounces were consumed in a time span which is typical for those drinks.<sup>340</sup> More contemporary commentators have applied this rationale to suggest doing away with the timeframe requirement for things like ice cream. There should be no difference whether the item is eaten slowly due to a hot temperature or a cold temperature.<sup>341</sup>

While the logic of these distinctions seems compelling, other authorities are of the opinion

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<sup>337</sup>Igros Moshe, Orach Chaim, 4:41

<sup>338</sup>Shaar HaTziyun, 210:11

<sup>339</sup>Taz, 210:1

<sup>340</sup>Beer Heiteiv, 204:12

<sup>341</sup>Shaarim Metzuyanim BeHalacha, 51:5

that when the Rabbis instituted these volume and timeframe requirements, they meant for them to apply across the board. No exceptions were contemplated. If this means that ‘‘after blessings’’ will generally not be recited after things like liquor, hot drinks, and ice cream, so be it.<sup>342</sup>

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<sup>342</sup>With regard to liquor, this opinion is put forth by Magen Avraham, 190:4. With regard to hot drinks and presumably ice cream as well, this stance is taken by Mishna Brura, 210:1. Mishna Brura does go on to suggest, however, that one leave over three ounces of his coffee or tea until it cools off. At that point, he can drink the requisite volume in the normal timeframe. In this way, he is obligated to recite an ‘‘after blessing’’ according to all opinions.

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